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MEMORANDUM

TO: **Interested Parties**
FROM: **Penn Hill Group**
DATE: **February 24, 2016**
SUBJECT: **Senate HELP Committee ESSA Implementation Hearing on Education Leaders' Perspectives**

Senate Committee on Health, Education, Labor & Pensions Hearing:

[\[List of Committee Members\]](#)

“ESSA Implementation in States and School Districts: Perspectives from Education Leaders”

Overview:

On February 23, 2016 the Senate Committee on Health, Education, Labor, and Pensions (HELP) held a hearing to examine implementation of the Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act (ESEA), in states and school districts, focusing on perspectives from education leaders. [\[Webcast of the hearing\]](#)

Key Issues Discussed:

1. Members and witnesses discussed the monumental “reset” ESSA has brought and discussed issues regarding implementation of ESSA in states and local school districts, as well as the role of the U.S. Department of Education (ED) in this work.
2. Witnesses from an array of organizations discussed the work they are advancing with state and local partners and in coalitions to help states develop plans to implement ESSA and follow through on these plans.
3. Members and witnesses discussed the feasibility of ED’s request for states to turn in new Title I and Title II plans by July 1, 2017 so they can be effective in the 2017-2018 school year.

Witnesses:

- **Governor Gary Herbert (R-UT)**, President, National Governor’s Association (NGA)
- **Randi Weingarten**, President, American Federation of Teachers, AFL-CIO (AFT)
- **Becky Pringle**, Vice President, National Education Association (NEA)
- **Dr. Tony Evers**, State Superintendent of Wisconsin, President, Council of Chief State Superintendent Officers (CCSSO)
- **Dr. David Schuler**, President, the American Association of School Administrators (AASA)
- **Katy Haycock**, President, The Education Trust (Ed Trust)
- **Delia Pompa**, Senior Fellow of Education Policy, Migration Policy Institute (MPI)

Opening Statements:

Chairman Lamar Alexander (R-TN) said ESSA has been described by the Wall Street Journal as the “largest devolution of federal power to the states in a quarter century.” He emphasized that this year a major priority of the Senate HELP Committee will be to make sure ESSA is implemented the way it was written by Congress. He noted that this is the first of six hearings the Committee will hold this year regarding ESSA implementation. He said the House of Representatives would also hold hearings with the same goal in mind. He said the law was written and passed with the support of a host of organizations that do not always work together, including governors, teachers’ unions, school superintendents, principals and parent teacher associations, many of whom came together to pen a coalition letter to the Acting Secretary of Education, Dr. John King. He said his objectives in the Committee will be the same that are in this letter - to work together to ensure a timely, fair transition to the new law and to support state and local decisions. He asked for unanimous consent to place the letter in the record. He said the new law replaces a top-down accountability and testing regime with an inclusive system based on collaborative state and local innovation. He said ESSA is clear, education decision-making now rests with states and districts, and the federal role is to inform those decisions.

Sen. Alexander said the coalition and letter are an excellent first step, and said a second good step is the President’s decision to nominate an Education Secretary so that there may be someone held accountable to the Senate and the American people. He said the HELP Committee would have a fair hearing and work to have Dr. King promptly confirmed by the full Senate.

Sen. Alexander’s hope is that the coalitions formed by governors in their states will work together to help states develop their new Title I and Title II plans by July 1, 2017 so they can be effective in the 2017-2018 school year, he said. He asked that witnesses providing testimony today would communicate with the Committee this year on behalf of their organizations about how they believe ED is responding.

Ranking Member Patty Murray (D-WA) said ESSA gives states more flexibility and includes federal guardrails for states as they design their accountability systems; preserves ED’s role to implement and enforce the law’s federal requirements; and reduces reliance on high-stakes testing. She said ESSA makes significant new investments to improve and expand access to preschool for our nation’s youngest learners, among other provisions. She said that while ED goes through this process and states develop their new systems and policies, she will be closely monitoring several issues to make sure the law lives up to its intent to provide all students with a high-quality education. She said states will regain funding flexibility to better target effective services to students most in need. She said many stakeholders requested that ED defines vague terms and sets key parameters around school supports and interventions. She stated that she hopes ED will provide this much needed clarity so that the law may be implemented effectively. She said she expects ED to use its full authority under ESSA to hold schools and states accountable for offering a quality education. She said it is important states have meaningful accountability systems and enforce the state-level cap on the use of simplified, alternate assessments for students with disabilities. She said she will take a close look at ED’s guidance for school interventions and supports, which will be critical to helping low performing schools improve. She said she will make sure ED produces laws and provisions which will reduce the reliance on redundant and unnecessary testing. She said she will be focused on the

competitive grant program to expand access to high-quality preschool. She also said the U.S. Department of Health and Human Services (HHS) should work closely with ED so many students can start Kindergarten ready to learn.

Testimony:

Gov. Gary Herbert said NGA's formal endorsement of ESSA is their first endorsement of any federal legislation in 20 years, and a testament to how closely Congress adhered to the governors' plan to replace No Child Left Behind (NCLB). He said governors view ESSA as an opportunity for states to set high but realistic expectations for schools, while allowing local control to determine how to meet those expectations. He noted that governors also believe collaboration between the states is essential and they plan to facilitate partnerships between education stakeholders at the national, state and local levels. He said ESSA recognizes the roles of governors at the helm of state education systems by guaranteeing their involvement in the development of the state plan and in ongoing administration of the law. He also pointed to the Utah Aerospace Pathways program, spearheaded by companies like Boeing, as a stackable credential model that addresses the state's unique workforce needs and proves business and education can work together. He said a cornerstone of Utah's agenda is addressing inter-generational poverty to improve the academic improvement of low-income children. He noted that Utah is increasing enrollment in full-day Kindergarten, ensuring low-income schools employ high-quality teachers and working to dramatically increase graduation rates of low-income students.

Gov. Herbert emphasized that ESSA will be the governors' top federal priority in the coming months. He said governors plan to engage early and often to ensure the federal government adheres closely to the following principles: 1) governors are consulted for substantive input throughout the implementation process; 2) gentle guidance is the primary tool the federal government applies to help states in their implementation efforts; 3) any regulations reflect congressional intent and are promulgated only for sections of the law where states and school districts agree additional context is necessary; and 4) the federal government allows a flexible timeline for state and local implementation. He said ESSA is built on the potential of state solutions and local control and NGA looks forward to focusing those solutions on preparing students for careers of the 21st Century. [[Gov. Herbert's full testimony](#)]

Randi Weingarten said she would like to speak today on behalf of classroom teachers, 172,000 of whom joined an AFT call shortly after ESSA passage asking what would be different while affirming that they were looking for change. She said AFT's members are fighting for the public schools their students deserve, and they want to have the latitude, the tools and respect they need to do their jobs. She said ESSA is an opportunity for a reset needed to move from a test-and-sanction environment to one that will unleash creativity while ensuring people are focused on education for the kids who need it the most. She said the most important things states can do is to create new accountability systems that align a focus on meaningful learning that will prepare children for the complex world they are entering.

Weingarten said teachers want to engage in this work, but they need help from their national union in terms of strategies to turn schools around, to ensure there are real pathways for career and technical education, to allow children to experience early learning opportunities and to address persistent poverty from state and local levels. She said there have been many reforms where there is a rush to publish and create the reforms and no attention paid to the implementation, however there is time to implement ESSA right. She also noted that AFT

members want to see that the current system is put on hold for a little while so that they can see these new accountability systems. She said AFT stands ready to partner at every level with all who share the goal of bringing back the joy of teaching and learning. [\[Weingarten's full testimony\]](#)

Becky Pringle said NEA members wanted three things in the new law: 1) to ensure students' access to opportunity really matters in the accountability system; 2) to guarantee educators' expertise is included in decision-making; and 3) to reduce the volume and over-reliance on standardized testing. She said the new law has the potential to deliver on all three, and also returns significant responsibility to states and schools districts to ensure decision making is in the hands of people who know the students' names. She said this shift offers ED the opportunity to focus on what it does best, its enforcement authority, which can ensure students have equitable access to a robust and well-rounded education and offer the supports students need to fulfill their full potential as constructive members of their communities, productive participants in the economy and engaged citizens of the U.S. and the world.

Pringle said this kind of monumental transition will require deep collaboration among multiple stakeholders, some of whom are not used to working together, and making sure more voices are at decision-making tables. She urged ED to set a good example by not rushing its part of the process for the sake of expediency. She said the implementation process will be simultaneously developed at the national, state and district levels, and ultimately in schools across this country as policies are updated. She said that since January, NEA has joined with its state affiliates to create a cadre of educators to act as an ESSA implementation team. She said over 60 state and local leaders came to Washington, D.C. during the last holiday weekend to provide educators the time and space to discuss what is happening in their states and districts and to identify the tools and resources they need to ensure a successful implementation of ESSA at the school level. [\[Pringle's full testimony\]](#)

Dr. Tony Evers said as President of the Board of CCSSO, successful implementation of ESSA is fundamental to supporting their equity platform. He emphasized that CCSSO is committed to ensuring ESSA's successful implementation. He said that when it comes to policy implementation, a strong state and local partnership is critical, and the role of the federal government should be to ensure accountability for student achievement, while providing states and local districts with the resources and support to innovate, create equity and improve outcomes. He said that to leverage the flexibility available, Wisconsin has begun with stakeholder engagement. He said Wisconsin has many existing collaborations and will expand its outreach by bringing together many education groups and others who have a major stake in their success such as business, parents, tribal representatives, legislators and governors. He said they plan to expand their outreach with statewide listening sessions, a virtual discussion and online feedback for all stakeholders in crafting their state's plan. He said they will use this ESSA outreach to create permanent avenues for multiple stakeholders to provide feedback.

Dr. Evers said Wisconsin is at the forefront of creating an accountability system that reflects the needs of its stakeholders. He said Wisconsin looks forward to using the new flexibility ESSA provides to update its report cards to include information regarding college and career readiness, as well as new equity measures. He emphasized that all state chiefs are united in maintaining a strong accountability system that will clearly identify the achievement of all students, and in particular subgroup performance, and that new ESSA flexibility will not change their determination to focus on equity. In recent months, since the new law has passed, he said ED has demonstrated a great partnership with the states by providing guidance on key issues. [\[Dr. Evers' full testimony\]](#)

Dr. David Schuler said ESSA holds states and school districts accountable while still allowing significant flexibility. He said that at the National Conference on Education two weeks ago AASA launched a new research-based, multi-metric initiative to redefine what it means to be college and career ready – which would have never happened under the waiver process and NCLB. He said states now have an opportunity to examine schools on a more holistic level with the inclusion of a non-academic factor. He said he would caution ED to use restraint when issuing regulations and guidance in order to ensure those regulations meet the letter, spirit, and intent of the law. He said he would also urge ED to consider creating a working group or task force of practitioners from diverse settings to review potential regulations and provide insight into the real implications and consequences of regulations before they are released.

Dr. Schuler said he would further urge ED to find out what data is already being collected at the state level and not duplicate efforts. He stated that this is incredibly frustrating to a school district superintendent when the state and then ED request very similar, but not identical, data sets. He said it is extra work for staff and provides murky and confusing data for the public. He implored ED not to request data submission over the summer since many rural schools do not have the 12-month staff to comply with requests that require compliance prior to the start of the following school year. He added that he believes allowing high schools to use a college admissions test in lieu of the high school state assessment, as long as the college admissions test is approved by the state, is “a pure work of genius” which will change lives. [[Dr. Schuler's full testimony](#)]

Kati Haycock said it has become popular to characterize the NCLB era as years in which “unrealistic goals” and “test and punish” systems harmed children, but the data suggest a very different story. She said in the years since we’ve had federal requirements for annual testing, full public reporting and serious accountability, African American and Latino students improved faster than at any time since the 1980s on the longest standing national measure of student learning. She said high school completion rates have risen, with especially large gains for students of color and students with disabilities. She said despite these gains, too many children still lack the high-quality schooling they need to thrive. She said, thankfully, the new law created contains levers that can be used to speed up the progress rather than slow it down, including the following: 1) state adopted standards for accountability aligned with the demands of college and career; 2) statewide accountability systems that expect more progress for groups of students who have been behind and expect action when any group of students is struggling; and 3) richer public reporting on academic outcomes and opportunities for all groups of students, including, for the first time, school-level, per-pupil spending.

Haycock noted that in all the celebration of a return to state and local control surrounding ESSA, it is important not to forget that the state and local track record of serving the interests of vulnerable students is not a good one. She said that from the 1990s, under the Improving America’s Schools Act, states were required to hold schools accountable for “continuous and substantial improvement of all students,” yet only a handful of states actually included subgroup performance in their accountability system. She also said that under NCLB, states gamed the definition of high school dropout and graduation rates, while some even defined improvement as not losing ground. She added that in the last few years, ED’s waivers gave the opportunity to ignore the performance of individual student groups. She said this track record is both why Ed Trust will continue to work alongside its partners to inform state and local implementation and why Congress continues to need a watchful eye in ED. [[Haycock's full testimony](#)]

Delia Pompa said one in four students in U.S. schools today is the child of an immigrant and one in ten is an English learner (EL). She said ESSA includes diverse policies that recognize the needs of ELs in an effort to close the achievement gap between them and other students. She said states will need the law clarified in many cases through regulation and they will need ongoing guidance and support in how to achieve improved results, including for ELs. She said ESSA requires states to have a standardized process for classifying students as ELs, as well as a standardized statewide process for how ELs exit special services. However, she noted that states will need guidelines for the parameters of their definition and this will be a policy challenge for all states, particularly for those that do not currently have a standardized statewide processes. She said the law now permits states to include in the EL subgroup former English learner students up to four years after they have exited special language services. However, she stated that by including former ELs, overall scores for the subgroup will rise and may mask the performance of current ELs.

Pompa said the federal role in education has been critical to safeguarding the civil and educational rights of ELs and is important to ensure that gains under federal law are not lost in state and local accountability plans. She said that while there needs to be regulations to clarify the law to increase the chances of successful implementation, regulations alone aren't enough—everyone has to help states and districts succeed. She said MPI is implementing a strategy in a manner that engages diverse stakeholders, community stakeholders, educators and other national groups in two parts: 1) MPI has analyzed the law to understand new provisions so that it can provide examples for states to consider as they implement particular provisions of the law; and 2) MPI will work with large coalitions of community groups to increase awareness of the new law and awareness of their rights and responsibilities to participate in shaping state policy. She said regulations articulating specific examples of meaningful parent family and community engagement in policy development should further the cause of all students. She says MPI shares a commitment to smart regulation and guidance that allows for innovation and local flexibility, but that also provides states with parameters built on the framework of equity set out in the original ESEA.

Question and Answer:

Sen. Alexander asked Gov. Herbert how NGA's newly announced national coalition and state coalitions to help with implementation of ESSA would work.

Gov. Herbert said that while he did not have details in front of him, this is based on the common sense idea that together we can get things done and separately we have some challenges. He said the U.S. Chamber of Commerce recognized Utah as the most enterprising state due to its ability to collaborate and cooperate better than anywhere else in America. He said that is the spirit needed to make sure stakeholders pull together to realize the promise of ESSA.

Sen. Alexander said finding a way to fairly reward outstanding teaching is the holy grail of outstanding public education. He asked both Weingarten and Pringle what would happen to the objective of teacher evaluation and what they see ED's role to be in how states will go about teacher evaluation.

Weingarten said she, along with her leaders and members, think about teacher evaluation in a very simple kind of way, which is: 1) Do a cohort of educators have the tools and conditions to do their job?; 2) Has the educator done their job, has the educator taught the things they have been asked to teach or whom they believe it is important to teach?; and 3) Have kids learned

what has been taught, and if not, why? She said in terms of a teacher's scope of responsibility and whether or not they have accomplished that responsibility, there is a need to get back to something accessible to teachers and parents.

Pringle said that part of the beauty of ESSA is the requirement that there is collaboration and the voice of teachers is included in decision making. She said one of the challenges NEA had with the mandates described is that systems were rooted in test and punish and focused on getting rid of bad teachers, instead of being rooted in student learning and improvement. She said an evaluation system rooted in the idea that evaluation is about improving professional practice so that all students can learn is needed. She said NEA has put together an accountability and evaluation task force on exactly how to do that from pre-certification to advanced certification for all teachers.

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Sen. Murray asked Haycock to speak to some of the possible unintended consequences of this shift towards states without strong federal implementation support in the form of guardrails. She also noted that she was glad to hear from Dr. Evers that Wisconsin is planning on engaging stakeholders, including civil rights leaders and parents. She asked him to speak specifically to what it will take for CCSSO to engage these groups across all states, and how he will ensure a wide-range of groups have meaningful input into the implementation of the law.

Haycock said the following is clear if we do not enforce guardrails in the law: 1) for leaders really trying to focus on equity, their levers to allow them to do their work effectively will be taken away; and 2) for leaders that are more recalcitrant, all the pressure to do the right thing by kids will be taken away. She said the best way to make sure the guardrails provide the leverage strong leaders need, is to make sure 1) there is enforcement; and 2) advocacy work is done in meaningful ways by developing coalitions.

Dr. Evers said ESSA is an opportunity to reach out to a broad group that hasn't been at the table. He said Wisconsin should have a group meeting by mid-spring. He said it is an opportunity to permanently engage people on a variety of issues important to states. He said other states have good stakeholder involvement and CCSSO members meet regularly to share good practices. He noted that there is some conversation around why states should be trusted, and he could not imagine any state which has engaged the issue of failing subgroups during the NCLB era would suddenly back away from that work.

Sen. Murray asked both Weingarten and Pringle to speak to whether or not their organizations are moving forward to ensure teacher's voices are heard during the implementation process.

Pringle said the NEA is bringing in leaders from all over the country and is building a cadre of teacher leaders who are trained in both instructional practice and policy. These teacher leaders will go beyond having a voice to creating solutions that work for students.

There was no time remaining in the time allotted Sen. Murray for Weingarten to respond so she agreed to submit an answer in writing for the record.

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Sen. Michael Bennet (D-CO) said his view is that flexibility should be provided, and where appropriate results are not realized, flexibility should be taken away and necessary interventions should be imposed. He said that for too many children living in poverty, the education system is reinforcing that poverty, rather than liberating people from it. He asked the panel to speak to

how one can take advantage of opportunities for change and innovation and how this flexibility can be used for the benefit of children so that the U.S. can reclaim the educational lead in the world as there is a move away from this compliance-driven approach.

Gov. Herbert said he believes states are solving problems in ways other than a one-size-fits-all approach. He said lifting people out of poverty is a key issue, and Utah has equalized funding so that children in rural and urban areas receive the same opportunity to a good education.

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Sen. Sheldon Whitehouse (D-RI) outlined what he would like to see in ESSA implementation: 1) expansion of curriculum; 2) accountability for the middle school years; and 3) innovation to reinvigorate schools, which can be difficult to do while navigating local, state and federal bureaucracy. He said one of the ways of opening up curriculum has been to take some pressure off testing by requiring a dashboard of alternative measures. He asked Weingarten to speak to the best existing data points that can provide a good dashboard for whether an individual school is performing well or not without the burden of an “insane” testing regime. He also asked Dr. Schuler to provide specific examples of unnecessary, redundant information being sought so that Congress can send a clear message to ED to align their work with local efforts.

Weingarten said as an example, where you see persistent poverty, you often see chronic absenteeism, and this is a data point which may be used in order to apply services that will help children be ready to learn. She said AFT is looking at strategies that can be replicated around engagement.

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Sen. Tammy Baldwin (D-WI) said she is proud to support a new resource equity provision in ESSA in which school districts will need to focus on comprehensive improvement and target support schools in order to more equitably allocate funding, outstanding teachers and other important resources. She asked Weingarten and Pringle how urgent resource equity is in their opinion, and what can be done to effectively implement resource equity in months to come.

Pringle said the NEA has identified resource equity issues on the opportunity dashboard as issues ranging from not having a counselor to help shepherd a student through the college applications and financial aid process, to not having access to Advanced Placement and science, math and arts courses. She said the reality hits when one visits schools and sees they may not have safe bathroom facilities, or may have a bank of computers piled in the back of a classroom because they are over ten years old. She said NEA’s hope with ESSA is that the dashboard will be able to hold schools accountable for addressing those real issues.

In response to Sen. Bennet’s question, Pringle stressed that the senators think about racial justice in education. She said far too many students who don’t have safe bathrooms, a physics teacher or a computer in their schools are African American and this issue needs to be addressed head on by redoubling a commitment to this fact.

Weingarten emphasized that Flint schools with black mold and technology schools without internet are part of the resource equity problem. She said that on the next step of the hierarchy of needs, the most important thing that can be done in terms of resource equity is to answer questions around how to turnaround schools that are struggling and how to get great teachers to go to areas of need and stay. She said teacher residencies may be one solution, but it brings the question of how to get the money to have these residencies in the first place.

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Sen. Al Franken (D-MN) said he is pleased ESSA has incorporated many of his Mental Health in Schools Act provisions which would allow schools to work with mental health providers to get students mental health screening, treatment and referral services. He asked panelists to speak to any strategies their organizations have developed to help states expand mental health services for students.

Evers said that at the state level, Wisconsin has just passed a law to make it easier for mental health professionals to go to schools and provide services. He said identifying schools and kids that are struggling and providing local solutions is at the center of the community and schools movement. He said that providing mental health, dental health and other services will be at the crux of implementation because while it is important for students to do well on tests, the issues of struggling students are in the arena of making sure that they are socially and emotionally competent.

Sen. Franken said with regards to testing, that he is in favor of annual testing because this allows one to measure growth. He also said believes proficiency does not work. He said often teachers focus on kids just below and above the proficiency level to improve their scores. He asked Dr. Evers how one might reduce unnecessary testing while approaching this central issue.

Dr. Evers said that growth has been part of Wisconsin's accountability system even before waivers. He said standardized testing has been oversold and it provides only a snapshot of one day at a computer or working on a test, and therefore can only provides teachers and parents with information about that time. He added it also gives states and federal government some information about growth. He said prepping for standardized tests is a huge issue that can be moved away from if the limited use of standardized tests is understood. He said it is important to look at tests done locally and provide guidance since the issue is likely about how those test results are used, rather than the amount of testing.

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Sen. Bill Cassidy (R-LA) said that about 20 percent of children have dyslexia, which disproportionately affects children in poverty, but very few places screen for it. He expressed concern that there is special curriculum for children with dyslexia, yet without screening children who may need it do not receive that curriculum. He also expressed concern that ESSA caps children who can take alternate assessments at 1 percent. He asked Dr. Evers and Gov. Herbert to speak to whether their entities screen children for dyslexia.

Evers said that while there are no state requirements around screening for dyslexia, it occurs within local school districts but not as a state mandated effort. He said in Wisconsin there has been a lot of professional development time especially for early childhood educators on the subject of dyslexia.

Gov. Herbert said he could not comment as he did not have the information. He noted that there are a number of educational disabilities and some mental health issues that make it difficult for children to concentrate and study. He said he believes it is the responsibility of local school districts, with the help of state school boards, to find ways to focus on circumstances that are unique.

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Sen. Elizabeth Warren (D-MA) said she thinks one of the most important safeguards in this law is a bipartisan provision that she wrote with Sen. Cory Gardner (R-CO) which requires the states to report better data to parents, teachers and researchers across the country regarding specific groups of students and the interaction of various factors like race, gender and disability. She asked Dr. Evers to speak to why having good data is important for work such as that of his task force to close the achievement gap in Wisconsin.

Dr. Evers said good data is absolutely important to the work his task force does, as his task force is composed of teachers, principals and no one with a 30,000 feet lens on the issue. He said that while Wisconsin has this information in its portal, they do not have information on military kids and foster kids. However, he noted that they have great relationships with their state military kids' association and are able to get that information. He said in Wisconsin, children whose parents are in the military are primarily in the national guard, where parents leave for nine months at a time, however, having those kids as part of their accountability system and requiring the ability for anyone to cross tabulate that information will give much more worthwhile data.

Sen. Warren said if one wants better outcomes, one needs better data to see where there are failures and successes in meeting students' needs. She said good data is important, but so is accountability. She said federal education dollars come with clear expectations for how states will use that money, which is why ESSA specifically directs ED to issue rules and regulations to clarify expectations for states that receive billions of dollars in aid. She asked Pompa what the federal government's role is in ensuring the safeguards in this law are actually enforced.

Pompa said there is a great belief in innovation and what school districts can do. She also said there is a long history of needing protections for special groups of kids regarding how they are treated in school systems. She added that it is important that the federal government have the ability to continue to play the role of protecting these students. She said the Committee passed a great provision in ESSA that requires states to include English proficiency in the accountability system. However, she said there is the issue that states vary from having 25 percent of their population be English learners to maybe being 0.5 percent in another state. She said as such, states clearly need guidelines to what those guardrails and parameters are, which means ED's role is not to dictate, but to provide those guardrails and provide examples and guidance to states.

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Sen. Murray said Sen. Alexander mentioned several times that we need to continue this collaboration throughout implementation and she agrees. She said we need a wide-range of stakeholders at the table, including advocacy organizations like civil rights groups that give a voice to students. She said this will be key in ensuring ESSA works for students, parents, teachers and communities. She said ESSA is a civil rights law and it is important to uphold the legacy of that promise for our students.

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Sen. Alexander said he agrees with Sen. Murray, and pointed out that one reason the Committee was able to succeed is because of holding bipartisan hearings in which there was agreement on who the witnesses were. He said the combination of Race to the Top Grants and conditional waivers encouraged many states to adopt the Common Core. He said the new law has a different definition for academic standards that says you must have challenging requirements that are aligned with entrance requirements for credit-bearing coursework in your system of public higher education in your state. But, he said it strictly prohibits the Secretary and

peer reviewers from reviewing the content of those standards. He emphasized that the secretary can't delete or interfere with standards, there is an explicit prohibition on any federal approval or certification of standards, and the law says no officer of the federal government can mandate, direct or incentivize a grant to encourage the adoption of the Common Core standards. He asked Dr. Evers whether he takes that to mean adoption of the Common Core standards, either in part or in entirety, is optional. He asked Dr. Evers if he believes it is Wisconsin's decision to determine what its challenging academic standards are, as long as they align with Wisconsin's public higher education system entrance requirements.

Evers said he agrees with the concept that states are now free to modify their standards, however Wisconsin has adopted the Common Core. He said in state law, that decision is made locally, so Wisconsin districts have come behind the Common Core standards and are implementing them with good fidelity, which he thinks will make a difference in the lives of kids. He said Wisconsin never felt it was pressure from Washington to adopt Common Core, and that Wisconsin felt it was the right thing to do.

Sen. Alexander said there is likely to be a period of stability in federal elementary and secondary education policy, not only because ESSA is good policy, but especially because every state will have to submit new plans to get their Title I and Title II money. He said unless a state decides to make major changes, those are likely to be the plans for a while. He asked both Weingarten, Pringle and Dr. Evers how much time is enough time to get state plans for ESSA implementation right. He noted that he would also be asking Dr. King this question during the Acting Secretary's upcoming confirmation hearing. He said ED is on the schedule of having regulations done by the fall which may require states to submit their plans by spring or summer.

Dr. Evers said he believes July or June 2017 is a good amount of time to put together a good plan. In Wisconsin, he said, they have had two hearings on this and believe by pulling together a wide variety of people together in the spring, they will be able to finish this by the timeline. He said he thinks it goes beyond submitting a plan, but also resetting mindsets, which will be part and parcel of conversations going forward, even after the plan is submitted.

Weingarten said there is an 18-month process already defined in the law, but if every state wants to reach the goals of helping all kids reach their potential and do it in a way that has not been done before, such as by focusing on ELs, struggling schools, capacity building and multiple pathways of learning, her concern is that states will tinker with what they have right now and put those plans in place, rather than going through the process of redefining what constitutes student learning. She said New York is looking at how to look at its standards by refocusing it in terms of what individual children need to learn in the 21st century.

Sen. Alexander responded that over the past 10 or 15 years, most states have been working on challenging new standards, new tests to the extent they were able to do that, and even new accountability systems, so it is not as if they are starting from scratch. However, he acknowledged Weingarten's point that even if states have a new accountability system, they should take advantage of this opportunity to think of a new approach.

Pringle said while there is an 18-month timeline in place, and she stated there is a need "to go slow to go fast." She said that when one tries to answer questions with a one-size-fits-all approach, trouble arises. She said there are states such as Utah and Oregon that are more ready and there are states that have not yet had those tough conversations and are further behind. She said if the federal government does not allow those states that are further behind

additional time, then they will tinker around the edges and they will overlay on what is already there, which will do nothing for our children.

Dr. Schuler said that what is most critical is not the timeline itself but that every regulation is being viewed through the context of a rural school, a suburban school, an urban setting, a transient student population and different demographics. He said being so forced into this one-size-fits-all approach that it is important to focus on the different lenses and school districts in the country.

Haycock said her experience in education says that things take as long as the time given. She said 18 months is in fact adequate time to do consulting and learn from high performers and fast gainers to get going on a new system. That said, she said she thinks those initial decisions can evolve over time. She said that as people at the district level learn more about what indicators are helpful in making improvements, those indicators can be added later on. She said this is not an elaborate process so she does not think it needs to be done perfectly the first time.

Pompa said one of the steps states have to take now is to engage people in coalitions, because it is going to be a very different process. She said it is important to have a large research base to look at many of the processes called for in the law. She said she hopes states will start early in their 18 months to look at the research and include everyone in a meaningful way.

Gov. Herbert said the devolution of power back to the states with accountability is a very positive thing, and he believed what Pringle said is very accurate. He said there are unique strengths and weaknesses in all of the states. He said he also believes it is important to get it right rather than get it quick, and there is a need to get it right and be timely. Speaking on behalf of states and local educational stakeholders, he said there needs to be some flexibility, as states won't all be able to complete this work in the same time frame. And he said that with all these stakeholders together states have a leg up. He said Utah has brought together its elected state school board, which directs standards, and its local elected school boards, which determines curriculum in concert with principals, teachers and superintendents, and he believes as a team they can get it right.

Sen. Alexander said this committee will be holding another five ESSA-related hearings this year, two more like this, with witnesses working in coalitions, states and classrooms advocating different approaches, and three hearings with ED to learn what they are doing and see that the law is being implemented the way the bill was written. He said he thinks this is an example of Washington working very well to create an environment where those who care about children can help them succeed.