



EDUCATION PRIORITIES

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California School Boards Association

ESEA Reauthorization

The Elementary and Secondary Education Act (ESEA), the major federal law supporting K-12 education, was last authorized in 2002 as the No Child Left Behind (NCLB) Act. Enacted in 1965, ESEA established federal policy and authorized federal funding to states and school districts to improve the academic performance of students enrolled in public schools. ESEA was scheduled to be reauthorized in 2008; however, since that has not occurred, provisions of the law continue to be in force through the congressional appropriations process.

The intent of Congress in enacting NCLB was to improve the academic achievement of all students, with an emphasis on English language learners, students in poverty and students with disabilities. However, the design of the accountability framework is seriously flawed. What has evolved is a measurement framework that bases its assessment of school quality only on student tests with no other inputs about student performance and then mandates a series of sanctions shown to not have significant impact on improving student or school performance compared to other options.

CSBA supports the Obama Administration's desire to set outcome expectations for states and schools while providing states and school districts with the flexibility to achieve expected outcomes with strategies that best work in their areas. This approach was described by Secretary of Education Arne Duncan in testimony to the House Committee on Education and Labor, when he said it is the Administration's intent "to move from a simple focus on rules, compliance, and labeling of insufficient achievement, toward a focus on flexibility for states and local education agencies (LEAs) that demonstrate how they will use program funds to achieve results, and on positive incentives and rewards for success."

Unfortunately, by using federal funds to compel states and school districts to adopt specific state laws and practices, the Administration fails to deliver on its own promise of flexibility. What's worse, some specific approaches required by the Administration have little or no empirical evidence to support them, while more promising approaches are excluded from consideration.

Research shows that intensive alternative interventions are more promising than charter conversion, re-staffing a school or school closure even though they are excluded from consideration by federal policy.¹ The expectation that state and local practices be data-driven and empirically based should apply to federal policy as well.

¹ "Improving Low-Performing Schools: Lessons from Five Years of Studying School Restructuring under No Child Left Behind." Washington, DC: Center on Education Policy, December 2009. And Grover J. "Russ" Whitehurst, "Don't Forget Curriculum." Brown Center Letters on Education #4. Washington, DC: Brookings Institution, March 4, 2010.

While CSBA is heartened to see actions in Congress to reauthorize ESEA through the introduction of legislation by both the House and the Senate, substantial work remains in order to reach agreement on a single legislative proposal for reauthorization.

Finally, in reauthorizing ESEA, Congress must acknowledge the complex factors that influence students' performance and the many unintended consequences of current law, especially the current accountability framework that does not accurately assess student, school or district performance.

CSBA believes:

- **Federal education policy should (1) be consistent with the intent to permit state and local flexibility while holding LEA's accountable for results, and (2) be guided by what research and experience show actually works.**
- **Standards and assessments are important, research shows that focusing directly on the improvement of curriculum and instruction has better outcomes. Therefore, federal policy and funding should be redirected to ensure high-quality, valid and reliable assessments for all students, especially for English language learners and students with disabilities.**
- **Multiple measures of academic achievement that more accurately determine students' knowledge and performance, and reflect the education necessary to be successful in the 21st Century economy should be used instead of a single assessment.**
- **In the development of a statewide student data system that would allow the longitudinal tracking of student performance and has a strong record of support for this type of system. However, we caution against the overreliance on data. Data should be used to inform decision making, not to trigger actions. Moreover, data should be used along with other sources of information (locally-designed assessments, classroom observation, etc.) and not by themselves to make decisions.**
- **Student performance data should be a component of teacher and principal evaluation but it should only be used as part of a broader evaluation system to make informed judgments about performance. Data—by itself—should not be used to trigger actions regarding compensation, retention, or placement.**
- **Federal policy should also have a stronger emphasis on identifying, disseminating, and adopting professional development programs that have demonstrated effectiveness in improving student outcomes through improved teacher and principal performance.**
- **The list of interventions allowed under federal law should be expanded to permit the use of alternative field-tested and/or research-based strategies that have a strong chance of success.**