

**COUNCIL OF CHIEF STATE SCHOOL OFFICERS**  
**Response to House Education & Labor Committee ESEA, Title I Discussion Draft**  
**September 5, 2007**

CCSSO Priorities	Section/Page of Discussion Draft	Comments on Key Provisions
<p><b>Promote Innovative Models and Reinvent Peer Review</b></p>	<p>§ 9401/not available</p>	<p><b>Innovative Models</b> – Continuously improving student achievement and closing achievement gaps will require federal policies that not only permit, but also actively encourage state innovation. True innovation, and the free flow of best practices, cannot be achieved under a static statutory framework, and no single codified strategy, or range of strategies, could ever be expected to capture the universe of effective pathways to improved outcomes for all kids. Thus, CCSSO believes strongly that the reauthorized ESEA must evolve from a prescriptive command and control model, to a framework that encourages ongoing innovation and leverages the collective expertise of the nation's educators. The new law can achieve this goal by setting a default floor, not a ceiling, for state policy, and by empowering and encouraging states to develop innovative strategies for improving student achievement and closing achievement gaps. We wish to acknowledge the discussion draft's improvements in this regard in several discrete areas (such as differentiated consequences), and thank the committee for addressing many vital issues, but we continue to seek a comprehensive, educationally sound, statutory pathway that facilitates state and local innovation, and avoids a one-size-fits-all approach. We note that such language would be codified in Title IX, § 9401, which has not yet been circulated by the committee for comment. Given that we do not know the future of § 9401, we urge the committee to ensure § 9401 promotes innovation by providing a mechanism through which educationally sound state proposals may be peer reviewed and approved by the Secretary for use in lieu of the law's specific requirements. This issue is critical to reauthorization.</p>
	<p>Proposed for Multiple §§ Below</p>	<p><b>Model Innovation Language</b> - In addition to the suggestion above, CCSSO recommends that the following model language (drawn from §1116(b)(4)(D)) be inserted in key sections (identified below) to promote innovation:</p> <p>"(a) A State may apply to the Secretary to use an alternative, innovative [plan] [process],</p>

	<p>§ 1111(e)/p.94</p>	<p>in lieu of the specific requirements in [sections][subsections][paragraphs]. To receive approval to use such a [plan][process], a State shall submit an application to the Secretary, provided, That such application may be included in the State plan under Section 1111.</p> <p>"(b) The Secretary shall ensure that applications described in paragraph (a) are peer reviewed consistent with section 1111(e), which peer review shall include consideration of whether the [plan][process] proposed by an application will carry out the purpose of this [section][subsection][paragraph] at least as effectively as the requirements in { section} etc, taking into account the State's specific circumstances."</p> <p><b>Peer Review and Secretarial Approval</b> – CCSSO strongly supports the bill's revisions to the peer review process in order to promote continuous improvement, innovation, and understanding, and provide for timely, fully transparent, and continuous feedback and technical assistance for states. These provisions are vital to reformulate the peer review process to be helpful to states in understanding federal requirements and preparing plans that make sense in the context of each state.</p> <p>The revised bill should provide that peer review standards must support state innovation and be developed with public input, and should also provide for direct communications between peer review panels and the states in order to achieve the goals of transparency and assistance to the states.</p> <p>We also encourage the Committee to include language on the equitable representation in peer review panels of designees of the state education agencies, to ensure that the peer review process reflects a partnership relationship between the Department and the states and is sensitive to the challenges often faced by the states in designing and implementing systems under the law.</p>
<p><b>Improve Accountability Determinations</b></p>	<p>§1111(b)(2)(E)/p.32</p>	<p><b>System of Multiple Measures</b> – CCSSO supports the committee's decision to grant states the ability to use additional, educationally meaningful measures to determine school performance. One of the goals of the revised ESEA should be to ensure that the most meaningful measures of accountability are being used (those measures in existence today and those that will be developed tomorrow). CCSSO is concerned that the discussion draft</p>

	<p>§1125/p.333</p> <p>§1111(b)(2)(F)/p.42</p> <p>§1124/p.318</p>	<p>seeks to define the entire universe of additional indicators available for incorporation into state plans. This decision could unnecessarily foreclose additional educationally sound measures developed by states or districts over the next five plus years at least. The goal here is not to water down accountability for outcomes with credit for improvement, but to recognize that there are additional valid indicators of school performance, and more being developed and collected over time. The draft should allow states to submit additional outcome data, subject to rigorous peer review and Secretarial approval, to inform the most valid and reliable accountability determinations (see "Model Innovation Language" above under "Innovative Models").</p> <p><b>Pilot Program to Include Locally Developed Measures</b> – CCSSO supports the committee's decision to allow locally developed measures, so long as they are aligned with state standards. We urge the committee to forego the pilot and expand eligibility for such systems to all states that can demonstrate the system's reliability and validity to the Secretary using the peer review process. We are concerned that there appears to be no funding authorized for the local pilot, which will impose significant responsibilities on the states, and urge the committee to authorize funding for this purpose.</p> <p><b>Student Growth</b> – CCSSO strongly supports the inclusion of growth models for all states. This provision is an essential component of reauthorization. Using the USED growth models pilot as a floor for defining use of the models is appropriate, but the new law should provide a mechanism whereby states may develop and submit alternative valid and reliable growth models, so long as the proposal is peer reviewed and approved by the Secretary (see "Model Innovation Language" above under "Innovative Models").</p> <p><b>Graduation Rates</b> – CCSSO supports the committee's decision to codify the graduation rate definition in a manner closely mirroring the NGA Graduation Rate Compact as reflected in Rep. Mike Castle's "Reliable and Accurate Graduation Rate Act." CCSSO also strongly supports the discussion draft language granting states the ability to develop alternate, equally rigorous systems for improving graduation rates and closing graduation rate achievement gaps (Subsection "(h)" on p. 331).</p>
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	<p>§1111(b)(2)(A)/p.27 and § 1123/p.306</p> <p>§1111(b)(2)(P)/p.53</p>	<p><b>Data Systems and Requirements</b> – CCSSO strongly supports the committee's decision to authorize additional funding for developing and implementing longitudinal data systems and for providing [at least an annual \$5 million] set-aside for a state education data center. In order to meet the bill's proposed four year build-out requirement, Congress must authorize and appropriate sufficient funding. Implementing data systems involves significant investments and states should not be held to a four year build out if Congress fails to appropriate sufficient funding. Therefore, CCSSO urges the committee to include a "trigger" amount of at least \$100 million, and a higher authorized level to ensure sufficient funding for states to meet the 4 year build-out requirement. The program should be authorized for fiscal years 2008 – 2012.</p> <p>CCSSO is concerned that although the draft appropriately makes the proposed data systems subject to FERPA, it fails to address FERPA issues that have chilled and frustrated appropriate and effective use of data for legitimate educational uses by state data systems. The revised bill should clarify several FERPA issues – authorizing the data system to make disclosures for purposes provided in FERPA; to disclose data for studies initiated by research organizations that benefit education in the state; to match student records with other state data systems, including the postsecondary system, for evaluation and audit purposes; and to use students records to track and provide interventions for individual students.</p> <p><b>Disaggregation of Data for Groups</b> – CCSSO strongly agrees with the need to ensure that all students are included in state accountability systems, but is concerned with the one-size-fits-all N-size and confidence interval provided by the bill. States should be allowed to present a case for using an N-size greater than 40 or a confidence interval greater than 95%, so long as they promote valid, reliable, educationally meaningful accountability decisions and are peer reviewed and approved by the Secretary (see "Model Innovation Language" above under "Innovative Models").</p>
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<p><b>Differentiate Consequences</b></p>	<p>§1116(b)(1)/p.172</p>	<p><b>School Improvement and Assistance Program</b> – CCSSO supports the committee's effort to strengthen the school improvement process, but believes the three-year school improvement plan proposed by the discussion draft is too burdensome for schools that have simply missed AYP for a single year (particularly for "priority" schools that may have missed AYP by a small margin in a single area). This requirement should only take effect after schools miss AYP for two consecutive years (particularly for potential "priority" schools). The revised bill should provide more flexibility on the scope of the plan and the process for its review, depending on the scope and nature of problems in the school, particularly considering that some of these plans will not have to be implemented (if the school makes AYP for the year in which the plan is developed). There should be an appropriate role for states to determine the scope and process associated with the plans being carried out by districts. These comments also generally apply to the LEA improvement plans described under §1116(k).</p> <p>The bill's provisions for a state alternate system (discussed below) should apply not just to the priority designation, but to the scope and nature of interventions. Also, the standard should not be that the state standard is "more effective." Rather, it should be that it is "equally effective."</p>
	<p>§1116(b)(4)/p.180</p>	<p><b>Designations</b> – CCSSO strongly supports differentiating consequences based on a school's AYP performance and believes this provision is essential to the reauthorization. We appreciate the committee's acknowledgement that improvement and intervention strategies must be tailored based on whether a school misses AYP by a "little" or "a lot." CCSSO greatly appreciates the committee's decision to include language (§1116(b)(4)(D)) allowing states to apply to the Secretary to use a State-developed alternative process for all LEAs in the state to use in designating schools as High Priority. This process is of vital importance.</p>
	<p>§1116(d)(1)(A)/p.193</p>	<p><b>School Improvement and Assistance General Requirements</b> – CCSSO strongly supports identifying schools for improvement and assistance where they have missed AYP for the same subgroup and same subject for 2 years. This requirement is essential to ensure that the problem being addressed is not a one time anomaly. This language is critical to the reauthorization.</p>



<p><b>Properly Include Students with Disabilities</b></p>	<p>§1111 (b)(2)(R)/ p. 54-55</p> <p>§6113/not circulated</p> <p>§1111 (b)(10)(C)/p. 85</p>	<p><b>Students with Disabilities</b> – CCSSO appreciates the committee's recognition that certain students with disabilities (up to 4% in some circumstances) need to be specially integrated into the accountability system. States are, however, concerned that the decision to codify the Department of Education's 1% - 2% rules limits educationally sound models. The Act must encourage states to use a variety of valid and reliable measures to assess the learning of students with disabilities, but codification a single approach is premature. Additional research must first be conducted in this area. In addition, states should be encouraged and permitted to submit alternative methods, including the ability to measure student growth across grade levels, subject to rigorous peer review and Secretarial approval. (see "Model Innovation Language" above under "Innovative Models"). In this manner, NCLB and IDEA requirements must be harmonized.</p> <p>CCSSO supports the authorization of greater funding to assist states develop alternative assessments. CCSSO recommends that states have up to 3 years to develop alternative assessment systems.</p> <p><b>Failure to Comply</b> – CCSSO does not support requiring the Secretary to automatically withhold funding from states that do not have a system of measuring students with disabilities in place within two years of the date of enactment and requests the inclusion of language that allows the Secretary to consider context and conditions prior to withholding any funds. Rather than withholding funding, which is counterproductive, the Secretary should work with states to ensure the resources are appropriately targeted. Quality assessments require considerable development and implementation time. In addition, existing contracts with assessment companies will preclude states from simply dropping existing assessments and immediately turning to the new required assessments. Assessment companies also have limited resources and may not be able to serve all states on this short timeline.</p>
<p><b>Properly Include English Language Learners</b></p>	<p>§1111(b)(2)(Q)/p.54</p>	<p><b>Recently Arrived Exemption for ELLs</b> – CCSSO encourages the committee to permit states to properly include immigrant ELLs in school accountability for no fewer than three years following their arrival in the U.S., based on a range of measures.</p>



<p><b>Enhance Teacher Quality</b></p>	<p>§1119(a)/p.282</p>	<p><b>Qualifications for Teachers and Paraprofessionals</b> – CCSSO supports maintaining the law's highly qualified teacher requirement. The reauthorized law must, however, acknowledge the roles of special education, rural and other teachers facing unique situations. We look forward to reviewing the committee's recommendations when Title II and Title IX are circulated.</p>
<p><b>Resources</b></p>	<p>§1005/p.7</p> <p>§1003(a)(1)/p.1</p> <p>§1006(a)/p. 8</p> <p>TBD</p>	<p><b>State Coordination of Services</b> – CCSSO greatly appreciates the committee's acknowledgement of the central role states play in the implementing standards based reforms, improving student achievement and closing achievement gaps. The addition of §1005 is a major step forward, but the bill does not authorize adequate funds to implement it. CCSSO urges the committee to allow states to use their discretion as to how much of the §1003 funds they wish to allocate for the purposes described in §1005, while still meeting their responsibilities under sections 1116 and 1117.</p> <p><b>Title I School Improvement Set Aside</b> – CCSSO supports increasing the Title I school improvement set aside from 4% to 5%. States should be allowed to retain up to 10% of these funds for state coordination and other activities identified in sections 1005, 1116, and 1117. Ensuring states are equipped to institute the systemic changes necessary to drastically improve student achievement and close achievement gaps will require additional resources and the increased set-aside is a necessary step-forward.</p> <p><b>Graduation Promise Fund</b> – CCSSO supports the authorization of new funding for high schools with the lowest graduation rates to support school-wide improvement activities including data-driven decision making, improved curriculum and instruction, personalization of the school environment, staff collaboration and professional development, and individualized student supports.</p> <p>CCSSO urges the committee to authorize new funding within FIE for a non-profit entity representing heads of state educational agencies to support state collaboration and technical assistance around issues of assessment, accountability, students with disabilities, ELL, etc. The funding level is estimated at \$5 million.</p>