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October 1, 2015

RE: *Reauthorization of the Elementary and Secondary Education Act*

Dear New York Congressional Delegation Members:

The reauthorization of the Federal Elementary & Secondary Education Act (ESEA) is the top federal policy priority of the New York State Council of School Superintendents (“THE COUNCIL”) and school superintendents throughout the state.

As you are aware, this law has not been updated since passage of the “No Child Left Behind” act in 2001. Similar bills passed both the House and Senate in July, and are currently in the conference committee process. We write to request that you urge your leaders and colleagues to reach an agreement to reauthorize the outdated law with the changes expressed herein.

Current regulatory actions by the United States Department of Education (US DOE) have only made the reauthorization of this law that much more of a necessity. In dealing with the inflexibility of the underlying law, the current US DOE waiver process has created uncertainty and inequity in the application of federal requirements. In essence, US DOE has been unilaterally legislating national education policy in the absence of action by the Legislative Branch.

It is imperative that an agreement be reached between the House and the Senate to reauthorize this law in a form that will advance educational progress for New York’s students.

In reauthorizing ESEA, Congress must be careful to retain important elements of local control, reject privatization and “funds portability” schemes, and ensure an adequate funding mechanism that meets the goals of educating all the nation’s children.

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Education standards should be state-developed, not dictated by federal mandates. Local control over curriculum should be maintained to the maximum extent possible.

Accountability should also be returned to the states, by allowing states to develop their own clear and appropriate accountability standards for schools. To the extent possible, use of a rewards system in accountability should replace punishment of schools.

Further, we ask that our representatives be cognizant of federal requirements that cause over-testing of students and create too great of a focus on “teaching to a test.” An estimated 20% of eligible New York students opted not to take this year’s federally-mandated grades 3-8 English Language Arts (ELA) and math assessments; in some schools the opt-out rate was as high as 90%. Within the reauthorization of ESEA, current federally-required annual testing for ELA and math in grades 3-8 should be replaced by tests administered once at each school level (elementary, middle, high school).

In addition to reducing federally-mandated testing, decisions regarding appropriate uses for assessments designed for school accountability and testing parameters for students with disabilities and English Language Learner (ELL) students should be shifted to the state level. In New York and elsewhere, the federal regulatory requirement for use of assessments in evaluating teachers has been derided by most educators and has caused considerable disruption in teaching and learning.

Finally – and most importantly – fully funding Title I of ESEA is absolutely imperative. It is unrealistic to expect students to achieve success without providing schools the necessary funding to meet higher standards.

It remains a priority to ensure that Title I funds continue to be distributed using a fair funding formula. The proposed Senate amendment to alter the formula to the disadvantage of New York schools should be rejected. School Improvement Grants must also continue to be distributed in a way that helps the schools and students who need it most and Title I funds must not be subject to portability or turned into vouchers.

ESEA should be reauthorized in a comprehensive undertaking, not in a piece-by-piece fashion. There are many intertwined issues within this law which are only appropriately addressed as a singular policy.

The knowledge and skill set of the next generation is our nation’s greatest commodity. Our students must not be left needing because of short-sighted austerity or political wrangling.

Our students must also not be subject to a one-size-fits-all policy approach to their futures.

We urge you, our elected federal representatives, to work together to adopt a new ESEA that meets the needs of New York's students and to accomplish this as quickly as possible.

Signed:

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New York State Council of School Superintendents

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