

February 10, 2015

Dear Representative,

On behalf of the First Focus Campaign for Children, a bipartisan children's advocacy organization dedicated to making children and families a priority in federal policy and budget decisions, I write today regarding tomorrow's Education and the Workforce committee markup of the Student Success Act (H.R.5).

As you know, the future strength of the nation's democracy and economy is dependent upon the investments made in children and youth today. The reauthorization of ESEA presents an historic opportunity to positively impact the lives of millions of children and families and contribute to our future economic success. Unfortunately, we have serious concerns with H.R. 5 and urge Members to vote against it, instead replacing it with the substitute amendment to be offered by Ranking Member Bobby Scott.

Please find below a list of provisions in H.R. 5 that would hurt our most deserving students and families and subsequently negatively impact our future economic success, and similar provisions in the substitute amendment that would better serve students and families across the country:

**Title I Portability:** The original Elementary and Secondary Education Act of 1965 was a supports-oriented civil rights bill intended to close academic achievement gaps and ensure that every child has equal opportunity to succeed. Title I, Part A was that principle codified in policy, with formula grants to help LEAs with high concentrations of poverty by making up for lower state and local education funding as a result of being located in an area of high poverty. Though never fully funded, by allowing LEAs to direct Title I funds to schools that need it most, Title I has had a positive impact on schools and their students.

While portability would, in theory, allow parents to make more decisions about where their children go to school, in practice it undermines the intent of Title I by taking away additional funds from already struggling high-need schools and taking away the ability of LEAs to make local decisions about how to use funds. Parents shouldn't have to risk school lotteries to have a good school close to home, and a fully funded, more equitable Title I, Part A that improves schools that need it most would help ensure that every student has access to an excellent education.

**Title I Comparability:** H.R. 5 does not address the comparability issue of per pupil funding between schools within the same district. Reauthorization of ESEA presents an opportunity to amend Title I, Part A to remedy the inequitable distribution of State and local funds within the areas served by LEAs. The substitute amendment does this by: (1) Reinforcing the supplementary intent of funds made available under Title I of ESEA, ensuring these funds serve their original purpose of subsidizing the increased costs associated with educating students in concentrated poverty, (2) Addressing the statutory, regulatory, and enforcement weaknesses that undermine the role of the comparability requirement in ensuring comparability within school districts, (3) Requiring the inclusion of real teacher salaries in calculations of per-pupil expenditures, and (4) Providing sufficient transparency, accountability, and disclosure to allow parents, communities, educators, and district officials to ensure students have access to the resources they need to achieve at high levels.

**Transferability & Flexibility of Funds:** The case for transferability and flexibility is to create greater local control over education decisions and encourage local innovation, but the funding flexibility in H.R. 5 would likely lead to vital programs going unfunded at the expense of disadvantaged students, perpetuating inequity in funding for too many children. Though they remain underfunded, Title I, Title III and VII, which address the needs of low income, ELL and Native American students, respectively, have contributed to closing achievement gaps for these students. Instead of pursuing flexibility by eliminating dedicated funding streams, the substitute amendment promotes local flexibility by repealing burdensome one-size-fits-all mandatory spending requirements in school improvement and supplemental educational services.

**Accountability Systems:** While we do believe it is beneficial to let go of the punitive restrictions of Adequate Yearly Progress (AYP), we oppose any policies that potentially abandon accountability for the achievement and learning gains of subgroups of disadvantaged students. H.R. 5 also eliminates parameters regarding the use of federal funds to help improve struggling schools. As the bill does not permit the Secretary of Education to establish any criteria that specifies or prescribes any aspect of a state's accountability system, nor does it provide a definition for low-performing schools, it restricts the federal government from protecting underserved students.

The substitute amendment, on the other hand, acknowledges that accountability should be based on multiple measures of not only student learning, but also equity indicators of school climate and resource equity. The latter factors have significant impact on student learning, and measuring them will contribute to closing achievement gaps and overall student academic success.

**Highly Qualified Teachers:** While we believe the current definition of Highly Qualified Teacher should be improved, we are opposed to entirely eliminating federal requirements for teachers to be the teacher of record. H.R. 5 eliminates all baseline preparation standards for teachers, instead allowing states and school districts to focus solely on measuring teacher effectiveness once teachers are already in the classroom. We believe this is a grave mistake. Research shows that high need students are most likely to be taught by teachers who have not completed their training, have not demonstrated competency in their subject matter, and are inexperienced. This legislation will do nothing to change this reality, and may in fact make it worse. All students, especially low-income students, students of color, students with disabilities, English language learners, and students from high-need rural communities, deserve teachers who are profession-ready on their first day in the classroom. Related to the issue of highly qualified teachers, we are also concerned with the lowering of Title II (Teacher Quality) funds for students who are in poverty, especially during a time when we should be enhancing our highly qualified teacher workforce. Instead, the substitute amendment begins to offer an alternative vision for the educator profession, with induction and mentoring programs for new teachers, and an emphasis on collaboration and professional development.

**Class Size Reduction:** The proposed legislation limits class size reduction efforts to 10 percent of Title II (current use is about 38 percent). Research indicates that students benefiting the most from class size reduction efforts are disadvantaged students in the early grades. By capping this funding, we are concerned that school districts will not be able to find funding to continue paying the teacher salaries that were previously funded through federal class size reduction funds. This would lead to a direct decrease in services for our most deserving students. The substitute amendment, on the other hand, addresses this issue proactively by including provisions to: (1) Reduce class size, particularly in the early elementary grades; and (2) Create a continuum of small classes from kindergarten to third grade.

**Early Education:** H.R. 5 lacks a focus on early education or the creation of school improvement and professional development activities with early childhood development and education programs. With the reauthorization of ESEA, we have an opportunity to improve the early years of the education continuum – beginning with pre-

kindergarten and continuing through third grade, which is essential to ensuring that every child is college and career ready. Research shows that high-quality classroom experiences throughout this period of a child's life can lead to significant gains in achievement throughout school and improved outcomes later in life. Current policies are simply not enough to address this problem, and H.R. 5 also does nothing to change that.

The substitute amendment, however, offers comprehensive early education solutions. In addition to more focused professional development and a dedication to smaller class sizes and more collaboration time for teachers in the early years, Title XI establishes a new formula grant program to establish state-federal partnerships to increase access to high-quality, full-day pre-K for children living below 200 percent of the federal poverty level. This will help correct a glaring inequity in access to early education for children in America, put more children at equal starting place when they start school, and significantly help the country build a successful 21st century education system on the solid foundation provided by high-quality early childhood education for every child.

**Education for Homeless Children and Youth:** Though homelessness for other populations has been declining, the number of homeless students enrolled in pre-K-12 schools has been growing, increasing 8 percent between 2011-2012 and 2012-2013, to 1.3 million students. Reauthorization of ESEA is an opportunity to help states and LEAs meet the needs of this growing population of students. Lack of funding to meet this unparalleled need has undermined the law's effectiveness and lead to under-identification of homeless students, increased school mobility, and gaps in enrollment. While there are some improvements to this program in H.R. 5 that we support, it does not increase authorized appropriations to meet the growing need. The substitute amendment, on the other hand, improves provisions of this bill and increases appropriations to increase academic achievement of homeless children and youth.

We urge you to vote against passage of the Student Success Act and for the substitute amendment offered by Representative Scott. We look forward to working with you to ensure that our most disadvantaged students and communities are given the resources and support needed to provide an equitable education and ensure future economic success. If you have further questions please contact Kevin Lindsey, Director, Education Policy, at [kevinl@firstfocus.net](mailto:kevinl@firstfocus.net).

Sincerely,



Bruce Lesley  
President