

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

R. BRUCE JOSTEN  
EXECUTIVE VICE PRESIDENT  
GOVERNMENT AFFAIRS

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February 2, 2015

The Honorable Lamar Alexander  
Chairman  
Committee on Health, Education,  
Labor, and Pensions  
United States Senate  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member  
Committee on Health, Education,  
Labor, and Pensions  
United States Senate  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, appreciates the opportunity to offer our views on the Elementary and Secondary Education Act (ESEA) reauthorization discussion draft released on January 13, 2015.

Although education is primarily a state and local responsibility, the federal government plays an important role in supporting their efforts, largely through ESEA, which was last reauthorized by Congress fourteen years ago as part of the No Child Left Behind Act (NCLB). For the past several years, many of the law's key accountability provisions have been waived by the U.S. Secretary of Education, including those providing expanded educational options to students in low-performing schools. In their place, states have been subject to an unwieldy, overly complex maze of new requirements that are often enforced unevenly and lack true accountability. Clearly, the need for ESEA reauthorization is more urgent now than ever.

The business community has a vital stake in ensuring that America's schools are producing graduates ready for college and the workforce. The Chamber is a strong supporter of ensuring accountability for results at all levels of America's education system, and its policy recommendations are founded on the premise that there must always be a national commitment to the success of every child.

The federal government has a crucial role to play in maintaining this commitment. The Chamber recognizes that there has been concern with various provisions in NCLB over the past few years, as well as with the Department of Education's waiver process, and agrees the law needs to be revised and updated. In particular, steps should be taken to reduce the federal footprint in education, and there must be less emphasis on compliance with federal law for compliance's sake.

However, there are fundamental components of NCLB that must be maintained in a reauthorization bill. ESEA reauthorization cannot turn back the clock to the days when billions in funding was spent without any expectations of student results for the taxpayer investment. A simplified, easier to administer ESEA that remains true to the basic principles that form the foundation of the federal role in K–12 education - high academic standards and assessments for all students; rigorous accountability for all schools; clear information and real choices for parents and students; and taxpayer accountability - is essential to improving America’s education system.

The Chamber recognizes that the discussion draft tries to make progress on many of these principles, but much work remains. Whatever differences there might be at this point in the process, the Chamber pledges itself to working with the Committee, the rest of Congress and the President to reauthorize the law.

With this in mind, the Chamber’s priorities for reauthorization are as follows.

### *High Academic Standards and Assessments for All Students*

The Chamber is a strong advocate of the Common Core State Standards (CCSS), which have been adopted by most states. However, the Chamber strongly supports provisions in the discussion draft around all states setting challenging standards in mathematics, reading or language arts, and science and that these standards are applied to all students, while also outlining that state participation in CCSS must remain voluntary and that the federal government should not be allowed to dictate or coerce states into adopting specific standards or assessments. That said, the provisions in the discussion draft that would allow states to only provide an “assurance” that challenging academic standards have been adopted is not sufficiently strong, and the Chamber believes provisions should be included that would more clearly require each state to “demonstrate” it has done so.

The Chamber supports the provision in the draft that would maintain the requirement that all states participate in the National Assessment of Educational Progress (NAEP), known as “The Nation’s Report Card,” so that parents and taxpayers can hold educators and policymakers accountable for the quality of their state’s standards and level of academic performance.

On assessment policy, while there are concerns with some of the options outlined in the discussion draft, the Chamber strongly supports the requirement outlined in Option #2, which requires annual, statewide assessment of all students in grades 3-8, and at least once in high school, in both reading and math, and assessment of all students in science at least once, each, during elementary, middle, and high school.

The Chamber applauded that both Republican and Democrat ESEA reauthorization proposals in the House and Senate last Congress included these vital provisions and urges Members of the Committee to continue this bipartisan consensus going forward. Annual assessments are an absolute necessity in providing transparent, objective, and timely information on student achievement and growth for parents, educators, the business community, and the public. This measurement tool ensures schools and teachers are able to better target resources to improve student achievement, and it is absolutely necessary in order to provide parents with

timely and reliable information to make decisions to exercise charter school and school choice options of all types.

### *Rigorous Accountability for All Schools*

The draft bill contains many of the elements that are required for a meaningful state accountability system, although the Chamber would like to see some strengthening of these provisions.

For example, the Chamber applauds the draft's provisions that would maintain and improve the requirements for state and local report cards, disaggregated annual reporting of student achievement, and reporting of other important information about schools to parents, the business community, and the public in a clear and transparent manner.

The Chamber also supports provisions in the draft bill that would require states to develop their own method of holding schools accountable for preparing students for college and a career. The draft bill specifies that each state take into account the achievement of student subgroups, the gaps between groups, and high school graduation rates, all of which are measures the Chamber supports. However, there should be additional provisions to ensure that the needs of all children are served in state and local accountability systems. This can be done by adding provisions to the draft bill to ensure states establish accountability systems that set their own performance targets, expect faster improvement for the groups of children who have lagged behind, and take prompt action when any group of students underperforms.

The Chamber supports identifying schools in need of strategies for improving student achievement and requiring local education agencies to develop and implement evidence-based assistance strategies and activities for identified schools. It is necessary to ensure that students in these schools get the help they need in a timely manner. At a minimum, this should include expanding options for students to attend other, higher-performing public schools of their choice – including public charter schools.

This is crucial for parents to have confidence that their children matter and that schools will partner with them in getting them to state standards and graduating with a diploma that has prepared them for college and career.

### *Clear Information and Real Choices for Parents and Students*

The discussion draft retains current law provisions for state and local report cards, and makes several improvements to provide information regarding per pupil spending, graduation rates, and teacher salaries. The draft bill also would clarify important privacy protections regarding the sharing and reporting of student data. The Chamber strongly supports these provisions.

It should be noted, however, that the new and improved state and local report card provisions are far less useful if the annual testing provisions of current law are not included in the final bill. Annual testing is the only way to provide this kind of user-friendly, worthwhile information.

The focus on transparency makes the follow-the-child and public school choice provisions of this legislation far more likely to succeed as they are implemented at the state and local levels. The Chamber strongly supports these provisions. In fact, the Chamber urges you to consider strengthening this language even further to include private schools, online learning, and free tutoring.

*Taxpayer Accountability*

The Chamber supports the intent of various provisions of the draft bill to eliminate and consolidate existing federal education programs and provide more flexibility with federal funds. The Chamber urges you to maintain the provisions in the draft bill that would limit the Secretary of Education's conditional waiver authority, allowing for transferability of funds among various programs.

Finally, the Chamber also urges you to ensure that American businesses, especially those that excel at innovation, are allowed to compete for federal funds to serve students and support schools, districts, and states.

While there are still some areas of the draft legislation that need strengthening, the Chamber is encouraged about efforts to move a bipartisan reauthorization and appreciates the opportunity to comment. America needs an ESEA reauthorization, and the Chamber looks forward to working with you to get this bill signed into law as soon as possible. Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." and last name "Josten" being the most prominent parts.

R. Bruce Josten

cc: Members of the Committee on Health, Education, Labor, and Pensions