

Oral Testimony of
Kentucky Commissioner of Education Stephen L. Pruitt, Ph.D.
on
“Next Steps for K-12 Education: Examining Recent Efforts to Implement
the *Every Student Succeeds Act*”
House Committee on Education and the Workforce
Thursday, June 23, 2016

Chairman Kline, Representative Scott, and Members of the Committee,

Thank you for inviting me to testify today on Recent Efforts to Implement the Every Student Succeeds Act (ESSA).

As the Chief State School Officer for the Commonwealth of Kentucky, I am excited about the future of education in our state under this new law, and the opportunity to build on the significant progress that Kentucky has made to date.

We have already started work to engage a broad spectrum of education shareholders. We held 11 regional Town Hall meetings and one virtually with total participation in excess of 3,000. Kentuckians told us what they value in their schools and how they define school success. We listened and are using those comments to shape our work under ESSA.

The autonomy promised by ESSA is a welcome departure from the prescriptive nature of No Child Left Behind (NCLB) and I appreciate the continued focus on closing achievement gaps. In Kentucky, we are working to move all children to higher levels of learning while also determining the root cause of achievement gaps, which we believe stem from opportunity gaps and access to rigorous, high quality learning opportunities. We will make changes to not only close the gaps, but eliminate them whenever possible.

I commend the United States Department of Education (USED) for its quick response in drafting regulations and releasing them in a timely manner for public comment.

But when one examines these regulations, they contain so many restrictions and requirements, state choices remain severely limited. The proposed regulations stifle creativity, innovation and the sovereignty of states to govern their own education policies.

Additionally, the volume and complexity of the regulations are in direct opposition to Kentuckians’ desire for a simple system that provides a broad view of school performance.

Implementing a new accountability system is a monumental task. Despite our best efforts, I am concerned about the timeline and states’ ability to implement a new, quality system that takes full advantage of ESSA.

While we understand accountability under the new law would start at the beginning of the 2017-18 school year, the proposed regulations would require using data available in 2016-17, generated under the current accountability system, to identify schools for comprehensive support

and improvement – possibly prior to USED’s approval of the new system.

As a result, schools may not be accurately identified.

We would suggest continuing to support current Priority Schools through 2017-18, and re-identifying new schools for the 2018-19 school year based on the measures of the new system. I believe that is the intent of ESSA.

While the proposed regulations claim to replace NCLB’s narrow definition of school success, the requirement of a single summative score goes beyond what the statute calls for.

The proposed regulations limit states’ ability to take a dashboard approach, which is broader, fairer and a more accurate representation of school performance and more likely to lead to school improvement.

In Kentucky, we found that a summative score leads to ranking and creates an unhealthy sense of competition rather than collaboration and collegiality that supports school improvement.

We also found that, in some instances, it becomes more about adults chasing points and trying to “game” the system to manage the appearance of performance, rather than actual performance.

Finally, I am concerned that USED’s recent regulatory proposal on Title I’s Supplement, not Supplant (SNS) will exceed its statutory authority under ESSA and will promote harmful consequences for students.

So, when the Department publishes its proposed rule on Supplement, not Supplant, I urge you to review it closely to ensure that it conforms to Congressional intent and avoids the unintended negative consequences promoted by the Department’s earlier proposals in this area.

There are many other points in the proposed regulations that I’ve addressed in my written comments and that Kentucky will be addressing in its formal comments submitted to USED.

Now, more than ever, what states need to implement ESSA is honest two-way communication, consistency and to be trusted to make good decisions. We need a common sense approach that supports a quality system of assessments, accountability and school improvement measures that can be implemented with fidelity and will promote doing what is right for students.

However, a compliance mentality prevails. For example, even though our NCLB waiver allows Kentucky to give a Norm Referenced Test in science, recently, USED told us we needed to give science tests that are not aligned with current academic standards and report performance levels that are not truly reflective of student learning or face consequences in order to meet a compliance element. I could not in good conscience comply and as a result, USED has placed a condition on Kentucky's Title I, Part A and IDEA Part B Federal Fiscal Year 2016 grant awards – all because we wanted to do what was right for students, and not waste money on a meaningless test. We have new, quality tests scheduled for implementation the same year as ESSA.

Kentucky is committed to fully realizing the Congressional intent of ESSA. If this law truly represents a new day for education in America, states must have the support to take action based on quality and what is best for their students and move away from a compliance mentality.

The Commonwealth of Kentucky looks forward to revised regulations that empower states with the freedom to plan, innovate, design and implement quality education systems that will ensure opportunity for all students and promote the pillars of equity, achievement and integrity within Kentucky education policy.

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