

US Department of Education Draft Regulations for Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act (ESSA) expressly replaces the No Child Left Behind (NCLB) Act's overly prescriptive federal system of school accountability with statutory language that gives increased flexibility for state and local decision-making while maintaining federal guardrails to protect the intent of Title 1-A. Yet provisions in the US Department of Education (DOE) draft regulations would perpetuate federal overreach in areas that ESSA specifically delegates to states and to local school districts.

Joshua Diamond moved, and Andrea Furey seconded the following resolution, by 5-0, motion carried.

WHEREAS, provisions in the proposed DOE regulations run contrary to the language and spirit of ESSA by imposing narrow, prescriptive mandates that would hamper the ability of states and districts to devise their own accountability systems; and

WHEREAS, ESSA's statutory language explicitly states that it shall not override "a State or local law regarding the decision of a parent to not have the parent's child participate in the academic assessments," yet draft regulation 200.15 would require states to choose one of three specified sanctions for any school in which less than 95% of students take state tests, and these sanctions include lowering the school's ranking or identifying the school as needing "targeted support;" and

WHEREAS, ESSA requires four school accountability indicators, the fourth being an indicator that is not based on test scores or graduation rates, yet DOE proposed regulation 200.14 would insist that there be research proving a linkage between the fourth indicator and achievement or graduation rates, and while ESSA allows for the inclusion of school climate, safety, engagement, etc. in the fourth indicator, the draft regulations would restrict what factors a state can choose to include; and

WHEREAS, ESSA requires states to create a growth score as an indicator for elementary and middle schools, yet DOE draft regulation 200.13 would require that the academic indicators give equal weight to proficiency on state reading/language arts and mathematics assessments, continuing the NCLB over-emphasis on ELA and math state assessment scores; and

WHEREAS, there is no mention in ESSA of providing a single grade for schools, yet DOE Draft regulation 200.18 would mandate that states combine multiple indicators into a single "summative" score or rating, derived by combining at least three of the four indicators used to assess its performance, undermining the use of alternative methods of accountability such as dashboards, and continuing the opaque grading of schools under NCLB; now, therefore, be it

RESOLVED by the Croton-Harmon Union Free School District that the new US Department of Education regulations must comply with the letter and intent of the Every Student Succeeds Act (ESSA); and be it further

RESOLVED that the flexibility for state and local decision-making embedded in the spirit of ESSA must be fully incorporated into the federal regulations implementing the Act; and be it further

RESOLVED that the Croton-Harmon Union Free School District calls upon the U.S. Department of Education to revise the proposed regulations to comply with the statutory language set forth in ESSA; and be it further

RESOLVED that the Board of Education of the Croton-Harmon Union Free School District directs the District Clerk to send a copy of this resolution to:

- Federal eRulemaking Portal (<https://www.regulations.gov/docket?D=ED-2016-OESE-0032>)
OR
Meredith Miller, U.S. Department of Education, 400 Maryland Avenue SW., room 3C106, Washington, DC 20202-2800,
- Secretary of Education John King,
- Congresswoman Nita Lowey,
- The Hon. Senator Kirsten Gillibrand,
- The Hon. Senator Charles Schumer,
- Ms. Lisa Davis, Executive Director, Westchester-Putnam School Boards Assoc.,
- Croton-Harmon Education Community, through K-12 alert.

Respectfully submitted by the Croton-Harmon Board of Education: Iris Bugliosi, President; Patrice Davidson, Vice President; Joshua Diamond, Todd Freebern, Andrea Furey, Neal Haber, and Giuseppina Miller, Trustees

On July 13, 2016, in support of the educational community, students and taxpayers of the Croton-Harmon Union Free School District, 10 Gerstein Street, Croton-on-Hudson, NY 10520.