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**CALIFORNIA DEPARTMENT OF EDUCATION**

**TOM TORLAKSON**, State Superintendent of Public Instruction  
916-319-0800

**CALIFORNIA STATE BOARD OF EDUCATION**

**MICHAEL W. KIRST**, President  
916-319-0827

February 20, 2015

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

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

Dear Chairman Alexander and Ranking Member Murray:

As State Superintendent of Public Instruction and President of the State Board of Education, we have reviewed the most recent draft of the Every Child Ready for College and Career Act and are providing some comments for your consideration. California has recently made substantial statutory changes to our assessment, funding, and local accountability systems and we believe many of the proposed changes in the discussion draft would complement our state's policies. Overall, we support providing more flexibility to states and local communities as proposed in your discussion draft bill; however, we also have some concerns about specific proposals, as delineated below.

**Limiting Appropriations for all Titles until 2021**

California understands the need to balance a budget, but freezing authorized appropriations for six years does not take future budgets or needs into consideration. Poverty populations, State and local funding and revenues, federal budgets, and other factors can all lead to the need for changes to federal spending. Locking in certain appropriation levels now is short-sighted, especially when additional resources will be needed for successful implementation of the state-adopted content standards, including professional development, assessments, technology, and supports to English learners.

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### **Assessment Frequency**

We fully support the policy shift to provide states with the most flexibility to develop an assessment system that works best to fit each state's needs. California made the decision in 2014 to administer the Smarter Balanced Assessment Consortium assessments and the state is still developing the remainder of our assessment system. We believe that states should have the flexibility to balance the needs of parents and teachers to receive important information about students' performance on assessments, while considering the amount of time schools dedicate to assessing students.

### **Accountability Systems**

While California believes that it is appropriate for the federal government to require that states and local educational agencies develop an accountability framework, we strongly support allowing states and local educational agencies the use their own accountability systems to ensure schools are making progress. California is currently in the process of revising the state accountability system to align it with the specified state priorities under the Local Control Funding Formula. For more than a decade, California has had accountability systems that only reflect student assessments and graduation rates. We believe that the narrow concentration on English language arts and mathematics assessments has negatively impacted schools' decisions to provide a broad-based education to students.

### **Title I Portability**

California does not support extending Title I portability for eligible students to private schools. This proposal essentially allows Title I dollars to be used as vouchers and this is not a policy that we support. Moreover, Title I dollars are not intended to be student-by-student funding, as whole schools benefit from the resources provided by the Elementary and Secondary Education Act.

### **Prohibition on Requirements Regarding Teacher Evaluation**

Because of California's diversity with over 2,000 local educational agencies, a student population comprised of nearly 25 percent English learners and 59 percent of pupils who are eligible for free or reduced-price meals, we strongly agree with the discussion draft's policy shift that would remove teacher and principal evaluation from being prescribed by Washington, D.C.

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## **Elementary and Secondary Education Act Waivers**

California agrees with proposed changes limiting the use of federal waivers. Major reforms in education policy should go through the legislative process where the public, including states and local educational agencies, have the opportunity to provide input. Waivers are an important part of our system; however, they should only be utilized as a tool to address exceptions and unusual circumstances, not as a means to create entirely new policy.

## **California Context**

In 2013, California adopted the Local Control Funding Formula that creates base State funding with adjustments for grades kindergarten through three, four through six, seven and eight, and a smaller adjustment for grades nine through twelve. Supplemental grants equal to 20 percent of the adjusted base grant for targeted disadvantaged students who are classified as English learners, eligible to receive a free or reduced-price meal, foster youth, or any combination of these factors (unduplicated count). Finally, concentration grants equal to 50 percent of the adjusted base grant for targeted students exceeding 55 percent of a local educational agency's enrollment are also available.

As part of the Local Control Funding Formula, local educational agencies are required to develop, adopt, and annually update a three-year Local Control and Accountability Plan, beginning on July 1, 2014, based on documented input from stakeholders. The Plan's template was adopted by the California State Board of Education in November 2014. In addition, the State Board of Education is required to adopt evaluation rubrics to assist local educational agencies and oversight entities in evaluating strengths, weaknesses, and areas that require improvement, technical assistance, and interventions where warranted, on or before October 1, 2015. The State identified eight state priorities that local educational agencies must address in their template, including: implementation of academic content and performance standards, parental involvement, pupil achievement, pupil engagement, school climate, student access to a broad course of study, and pupil outcomes in a broad course of study.

California took these steps because they are the best course of action for California and our students, and we remain hopeful that the current discussion draft could support and complement our state's policy direction. Please consider the California Department of Education and State Board of Education as a resource should you have any questions about California's current initiatives. If there are any data or other information that could inform your work, please do not hesitate to contact us, or have your staff contact John Hooper, Federal Policy Liaison, by telephone at 916-319-0821 or by e-mail at [jhooper@cde.ca.gov](mailto:jhooper@cde.ca.gov).

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Sincerely,



Tom Torlakson  
State Superintendent of Public Instruction  
California Department of Education



Michael W. Kirst  
President  
California State Board of Education

TT/MK:jh

cc: Members, California Congressional Delegation