

Congress of the United States
Washington, DC 20515

April 4, 2016

The Honorable John B. King, Jr.
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary King,

We have recently heard from educators, parents and students in our congressional districts who are concerned with a letter sent by Ann Whalen to Chief State School Officers on December 22, 2015. In the letter, Ms. Whalen discusses existing ESEA testing requirements, as well as forthcoming guidelines in the Every Student Succeeds Act (ESSA), warning of financial penalties for states and school districts failing to reach certain testing targets. She also suggests punitive measures that State educational agencies can take if fewer than 95 percent of students participate in state assessments.


Given recent passage of the ESEA reauthorization legislation, the Every Student Succeeds Act, we are troubled by the tone and content of Ms. Whalen's letter. The Department seems to have misinterpreted congressional intent in this case, and does so with troubling consequence. While ESSA does provide for testing and accountability measures, the new law makes a fundamental change by giving individual states sole responsibility for determining the importance of the 95 percent requirement in school accountability.

In addition, ESSA states: "Nothing in this paragraph [assessments] shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent's child participate in the academic assessments under this paragraph." [Section 1111(b)(2)(K)]. The Every Student Succeeds Act is intended to empower parents and ensure that teachers, administrators, and school districts are given increased flexibility regarding student opt out. Hundreds of thousands of parents have chosen to keep their children from taking state-mandated tests, and these parents have every right to determine what is in their children's best interest.

No Child Left Behind created federally-mandated high stakes testing, to which parents, teachers, and students understandably recoiled. ESSA ends this federally-mandated high stakes testing, giving states and school districts more authority to determine the proper role for assessments in determining school quality, and full authority to determine their use for teacher effectiveness. As states and school districts begin work to implement this new law and address ongoing concerns about the role of testing in education, now is the time for the Department of Education to support states in this work.

Consequently, we write to remind the agency of our strong desire to ensure that the intent of the legislation is followed. We look forward to having a productive dialogue on this critical subject, and ultimately, ensuring a quality education for all students.

Sincerely,


Tom Reed
Member of Congress


Chris Gibson
Member of Congress



David P. Joyce
Member of Congress



Kevin Cramer
Member of Congress



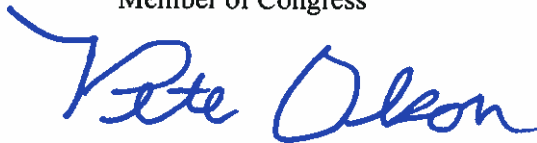
Tim Huelskamp
Member of Congress



Dennis A. Ross
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John Katko
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Matt Salmon
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