

United States Senate
WASHINGTON, DC 20510

April 2, 2015

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

The Honorable Patty Murray
Ranking Member, Senate Committee on
Health, Education, Labor, and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

As you work to develop a bipartisan reauthorization of the Elementary and Secondary Education Act (ESEA), I write to urge you to validate state-led efforts to implement competency-based education models by providing eligible states with a pathway to greater flexibility in relation to federal assessment requirements. Maine is a leader in the movement to a competency-based system, and in order to continue these advancements, the state needs greater space to maintain and grow testing systems that provide meaningful feedback to students, teachers, parents, and policymakers.

It is universally agreed that ESEA's most recent iteration, No Child Left Behind, has largely outlived its utility, and its outdated requirements – many of which continue to live on through the Department of Education's waiver policy – are stifling state efforts to innovate. As a former governor, I have long been concerned with the disruption of the federal-state relationship that the law's passage brought forth. While I believe the federal government has a responsibility to ensure equity and opportunity for disadvantaged children, elementary and secondary education is – and always has been – primarily a responsibility of state and local governments.

Maine's commitment to delivering quality educational services aligned with high standards has a long history. As governor, I presided over the development and implementation of the Maine Learning Results, which defined expectations for student learning and skills and won overwhelming support from the state legislature in 1995. In 2012, the Maine Legislature passed LD 1422, requiring all students to demonstrate proficiency in each of the Maine Learning Results' eight content areas in order to receive a high school diploma.

While the requirements associated with the proficiency-based diploma law will not begin to be fully implemented until 2018, many Maine schools are already on the frontiers of this innovation. Just yesterday I visited several schools in the state – including Portland's Casco Bay High School and Freeport Middle School. Both schools are leaders in Maine's transition to a

student-centered, proficiency-based learning model. In speaking with students, teachers, and school administrators, I was struck by the sea change this represents in how we deliver education and the possibilities it presents for students and educators to experience a deeper, more rigorous form of education that involves timely feedback and differentiated student support.

To fully realize the potential of this new education model, Maine and other states will need flexibility from the federal government – particularly in relation to federal testing requirements. This is why I hope to work with you to provide states like Maine with relief from federally-mandated annual summative assessments, provided these states can demonstrate – through a clearly-defined, timely process – that they have developed robust state and local assessments aligned to similarly high standards. Ideally, I would like to see federally mandated tests be used as a periodic audit of state performance, rather than a strict, annual requirement tied to prescriptive federal accountability requirements.

Just as important as providing this pathway is ensuring that the process through which states receive this flexibility is clearly defined in the statute. The last thing states need is an opportunity that is so fraught with regulatory requirements and uncertainty that the process itself becomes a barrier to progress. As one teacher put it to me yesterday, “It’s hard to be innovative in an environment of compliance.” I hope that you will take these words to heart and develop not only flexibility for states who are innovating but also a clear and timely process for states to receive this testing relief – one that does not delegate undue authority to the Secretary of Education.

As recent history illustrates, the life between ESEA reauthorizations is long, and we must ensure that states are given sufficient flexibility as new models of instruction and assessment emerge. Most importantly, the federal government must be a partner, not a barrier, in the development of these new modes of education. I ask that you please take these thoughts into consideration as you work toward bipartisan agreement on ESEA and usher in a more restrained era of federal education policy. Thank you for your consideration of these concerns, and I look forward to working with you and members of the HELP Committee to advance reauthorization efforts.

Sincerely,

A handwritten signature in blue ink, reading "Angus King, Jr.", with a horizontal line extending to the right.

Angus S. King, Jr.
United States Senator