



Statement of

**The Honorable Gary R. Herbert, Governor of Utah**

Before the

**Senate Health, Education, Labor and Pensions  
Committee**

On

**“ESSA Implementation in States and School Districts:  
Perspectives from Education Leaders”**

February 23, 2016

Chairman Alexander, Ranking Member Murray and members of the Senate Health, Education, Labor and Pensions Committee, thank you for inviting me to testify today on behalf of the National Governors Association (NGA) and the people of Utah.

Governors made replacing an unworkable federal education law our top priority in 2015. Congress listened and returned education decision making back to the states. Now, through implementation, states must make the promise of the Every Student Succeeds Act (ESSA) a reality.

As Chair of NGA and on behalf of governors, let me assure you that we are up to the task.

Let me begin with several key points:

- Governors' endorsement of ESSA, our first of any federal legislation in 20 years, is a testament to how closely Congress adhered to long-standing NGA priorities and the governors' plan to reauthorize ESEA.<sup>1</sup>
- ESSA is a model for what every federal law should be: a floor, not a ceiling. It proves that bipartisan, bicameral creativity and compromise can still produce pragmatic solutions that equip states, schools, and teachers to improve the lives of students who need help the most.
- Governors view ESSA as an opportunity for states to set high—but realistic—expectations for schools while allowing them to determine how to meet those expectations.
- Governors believe that collaboration is essential and plan to facilitate partnerships among education stakeholders at the national, state and local levels to guarantee the success of this new law.
- Over the last four days, governors have been here in Washington discussing how we will truly innovate under ESSA. As the laboratories of democracy, states intend to fully utilize the flexibility to innovate under this new law.

## **The Road to ESSA**

Long before the *Nation at Risk* report first revealed shortcomings in our nation's education system, governors understood that a thriving state economy and successful lives for citizens could only be realized by elevating the quality of schools in every community. The federal government's response that report built on the leadership of education governors and, together, they turned a time of education challenges into a time for results.

In 1989, at an historic summit in Charlottesville, governors and the President of the United

---

<sup>1</sup> NGA-National Conference of State Legislatures Plan to Reauthorize the Elementary and Secondary Education Act. Web. 12 Feb. 2016.

< <http://www.nga.org/files/live/sites/NGA/files/pdf/2015/ESEAGovernorsAndStateLegislaturesPlan.pdf>>.

States, for the first time, proclaimed education an issue of national concern. They agreed that it was states who must take the lead to improve education, while the federal government's role was to support and inform their efforts. One governor, quoting Winston Churchill, called the summit "the beginning of a new beginning."<sup>2</sup>

Twenty-six years later, after many lessons learned, ESSA again represents a "new beginning." The new law embodies the spirit of that summit by recognizing that improving student performance should be paramount, but collaborative state and local solutions should guide that improvement, not the federal government.

## **Governors Supporting Collaboration**

Since the beginning of 2016, 40 governors have given State of the State addresses and all have spoken about the importance of a high-quality education. In fact, governors' reference their bold plans for the future of education more than 450 times in those addresses - more than any other policy area by a wide margin.<sup>3</sup> Expenditures for K-12 education account for one-third of state budgets and governors continue to prioritize increasing that percentage in 2016 by proposing new initiatives from teacher salary increases to resources to boost computer science education.<sup>4</sup>

ESSA recognizes governors' role at the helm of state education systems by guaranteeing their involvement in development of the state plan and throughout the ongoing administration of the law.<sup>5</sup> As states now assume more responsibility and authority over their education systems, governors will use their role to elevate the importance of ESSA to address our most pressing education needs.

Strong collaboration at the state level is in the best interest of students, parents and educators in every state and we look forward to ensuring their voices are heard from the beginning. ESSA's success will ultimately be determined by how well we implement the law together. The State and Local ESSA Implementation Network<sup>6</sup> will not only allow governors to partner with teachers, principals, parents and state legislators to guarantee smooth implementation at the federal level, but it will lay a foundation for similar coalitions to emerge in each state.

## **Strengthening the Education Pipeline**

ESSA's new emphasis on collaboration and gubernatorial involvement allows for unprecedented alignment and coordination across the education pipeline. Governors are connecting K-12 education with early childhood education, postsecondary education and the

---

<sup>2</sup> 150 Cong. Rec. 11451 (2004)

<sup>3</sup> *2016 Governors' State of the State Addresses Information*. Web. 12 Feb. 2016. <<http://www.nga.org/cms/home/special/col2-content/2016-state-of-the-state-dates.html>>.

<sup>4</sup> *Fiscal Survey of States, Spring 2015*. National Association of State Budget Officers. Web. 12 Feb. 2016. <<http://www.nasbo.org/publications-data/fiscal-survey-states/fiscal-survey-states-spring-2015>>.

<sup>5</sup> Heller, Dean. *Heller-Manchin Amendment to Every Child Achieves Act Passes Senate*. Web. 12 Feb. 2016. <<http://www.heller.senate.gov/public/index.cfm/pressreleases?ID=865cbe76-2227-4b3e-bc46-0afe5f0cab63>>.

<sup>6</sup> "Every Student Succeeds." Letter to John King. 10 Feb. 2016. Web. <[http://www.ncsl.org/documents/statefed/ESSA\\_ImplementationNetwork.pdf](http://www.ncsl.org/documents/statefed/ESSA_ImplementationNetwork.pdf)>.

workforce training system to meet the current and future needs of their state's economy.

ESSA evolves federal education policy from a siloed, one-dimensional system to one that recognizes what states knew long ago – a high-quality education begins at early childhood and continues into the workforce.

The growing recognition of early childhood education's importance is happening in communities and state capitols across the country, and with policymakers on both sides of the aisle. Last year was the fourth consecutive year that state early childhood education programs have expanded.<sup>7</sup> This year, governors and state legislatures in 45 states will invest nearly \$7 billion state dollars in preschool programs.<sup>8</sup>

ESSA acknowledges this work by establishing the Preschool Development Grants program in law, allowing states the flexibility to use these funds for targeted student populations and programs designed to meet community-specific needs, such as Utah's work with children caught in intergenerational poverty. Governors are now able to leverage: Title I dollars for student's transition from preschool and kindergarten to elementary school, Title II dollars to prepare and develop early childhood leaders and educators, and Title III dollars to begin addressing the English proficiency for dual language learners in preschool.

ESSA also fosters alignment with the workforce development system by making certain that state accountability systems take into account governors' workforce development plans required under the Workforce Innovation and Opportunity Act (WIOA). School districts are now able to utilize ESSA funds for classes leading to industry-recognized credentials and career counseling. These new flexibilities will help governors take education and workforce coordination to the next level.

In Utah, we have proven that business and education can work together to help fill critical talent demands. The Utah Aerospace Pathways, spearheaded by Boeing and other aerospace companies in Utah, partners K-12 with vocational schools and Salt Lake Community College to create a true "stackable credential" model that is addressing short term industry workforce needs. The program has been so successful that even *U.S. News and World Report* took notice.<sup>9</sup>

### **High Expectations for States, Students and Educators**

This year, as Chair of NGA, I am highlighting governors' innovative solutions to today's most pressing problems. As Congress and the Administration moves forward with ESSA implementation, I encourage you to look to the states to understand the breakthroughs possible through a collaborative state-federal partnership.

---

<sup>7</sup> *State Pre-K Funding for 2015-16 Fiscal Year: National trends in state preschool funding*. Education Commission of the States. Web. 12 Feb. 2016.

< [http://www.ecs.org/ec-content/uploads/01252016\\_Prek-K\\_Funding\\_report-4.pdf](http://www.ecs.org/ec-content/uploads/01252016_Prek-K_Funding_report-4.pdf)>.

<sup>8</sup> *Ibid*

<sup>9</sup> *Aerospace Program to Give Utah High-Schoolers Path into Industry*. U.S. News and World Report. Web. 12 Feb. 2016. <<http://www.usnews.com/news/stem-solutions/articles/2015/09/15/aerospace-program-to-give-utah-high-schoolers-path-into-industry?page=2>>

### Testing

In Virginia, Governor McAuliffe assembled a diverse coalition of school board members, teachers and parents that re-designed how assessments results are used, introduced new innovative forms of assessment and eliminated 5 unnecessary statewide exams. Governor McAuliffe's experience and a dozen other similar efforts across the country can guide the U.S. Department of Education's implementation of ESSA's innovative testing pilot, expanded forms of assessment and flexibility to reduce high school testing.

### Educator Quality

In Tennessee, Governor Haslam listened to educators and worked with them to adjust their statewide educator evaluation system's reliance on math and English exams and to allow districts to determine how to use evaluation results to support teacher development. As the federal government gets out of the teacher evaluation business, Tennessee's collaboration can inform states and the federal government as they determine how to move forward with teacher evaluations.

### School Improvement

Governors recognize that a low-performing school threatens the future well-being of their citizens and the stability of state economies. Accordingly, they are taking ownership of the process to guide those schools back to excellence. Under No Child Left Behind, states could only choose from four strategies to improve schools in more than 14,000 school districts across the country.<sup>10</sup> Under ESSA, states are now in the driver's seat working with districts to determine evidence-based models that will produce results in the nation's lowest-performing schools.

The federal government could look to Connecticut Governor Malloy's statewide network to engage schools in an intensive turnaround process guided by teachers and parents. A school's success under this system is not an afterthought; it is celebrated as an event that will change the lives and futures of children in their community.

### Improving Graduation Rates

Utah is leading efforts to dramatically increase graduation rates. Two years ago, our legislature helped northern Utah's Roy High School take a new approach to improving the school's persistently low graduation rates. District leaders made Roy High's graduation rate an outcome of student success at all of the elementary and middle schools sending students to the high school. Student performance throughout these schools was disaggregated and the results were discussed with parents, educators and the local community.

The outcomes of this innovative program are impressive. Roy High's graduation rates increased from 77% to 84%, chronic absenteeism was cut in half from 29% to 14% and enrollment and completion rates in Advanced Placement/dual enrollment courses jumped by 19-24%.

The success of this project underscores the effectiveness of a model in which struggling students and their families are provided additional support – as opposed to the No Child Left

---

<sup>10</sup> *School Districts*. United States Census Bureau. Web. 12 Feb. 2016.  
<<https://www.census.gov/did/www/schooldistricts/>>.

Behind model consisting of varying degrees of punitive consequences. It also reinforces the fact that when resources are provided at the local level, communities are capable of finding solutions.

### State-Led Accountability

Governors view education as a critical tool to lift up students out of poverty and place them on a path to successful lives. The top-down accountability and testing regime of NCLB and a commitment to assisting those students that need help the most are not a package deal. States and governors will continue to prioritize a high-quality education for all students – but we will accomplish this through state solutions.

In Utah, addressing intergenerational poverty is a cornerstone of our agenda. It is clear that this problem cannot be solved at the federal level, and even at the state level we've learned that we must work closely with counties, cities, school districts and schools to build coordinated health, education, workforce and human services strategies that work for their unique populations.

To improve the academic performance of students from these low-income families, we're increasing enrollment in full-day kindergarten, we're making sure that low-income schools employ high-quality teachers and we're implementing programs to increase the graduation rate for all low-income students.<sup>11</sup>

Utah believes in the potential of the many brilliant young minds often lost in poverty. Those young minds represent human capital. Capital that, if we tap into it, will empower their families to succeed, equip them to escape poverty and, in turn, allow our economy to flourish like never before.

ESSA is a tool for states to support efforts like these; not to back down from them.

### **Conclusion and Next Steps**

ESSA implementation will be governors' top federal priority in the coming months and years. We plan to engage early and often to ensure the U.S. Department of Education adheres closely to the following principles:

- As the leader of each state's education system and the official responsible for creating lifelong learning from early childhood into the workforce, governors should be consulted for substantive input throughout the ESSA implementation process;
- Guidance should be the primary tool the federal government uses to inform state efforts to implement ESSA;
- Regulations should reflect congressional intent and be promulgated only for sections of ESSA where states, districts and the federal government agree additional context is

---

<sup>11</sup> *Utah's Plan for a Stronger Future: Five- and Ten-Year Plan to Address Intergenerational Poverty*. Utah Intergenerational Welfare Reform Commission. Web. 12 Feb. 2016. <[https://jobs.utah.gov/edo/intergenerational/igp5\\_10yearplan.pdf](https://jobs.utah.gov/edo/intergenerational/igp5_10yearplan.pdf)>.

necessary;

- Federal agencies should recognize ESSA's alignment of federal K-12 policy with state early childhood, postsecondary and workforce policies by enabling state collaboration across these areas; and
- Recognizing each state's readiness to implement ESSA varies, the federal government should allow a flexible timeline to allow for early implementation or provide additional time for states to make necessary changes to state policy and improvements to state infrastructure;

Furthermore, Governors will apply the lessons of Workforce Innovation and Opportunity Act (WIOA) implementation to our work on ESSA. With only guidance and without a regulation, governors moved quickly and collaboratively to leverage WIOA's flexibility to develop state plans that envision a new, state-designed workforce system. Governors will work to implement ESSA with that same purpose.

Ultimately, ESSA is built on the potential of state solutions and we look forward to focusing those solutions on empowering educators and parents to prepare students for the high-skill careers of the 21st century and a successful life.

On behalf of the nation's governors, thank you for the opportunity to testify. I would be happy to answer questions at the appropriate time.

###