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Congress of the United States House of Representatives

February 8, 2012

The Honorable John Kline
Chairman, House Education and the Workforce Committee
2175 Rayburn House Office Building
Washington, D.C. 20510

The Honorable George Miller
Ranking Member, House Education and the Workforce Committee
2101 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Kline and Ranking Member Miller:

I am deeply concerned about both the process and content of the recently released partisan House draft legislation, the Student Success Act and the Encouraging Innovation and Effective Teachers Act, both of which would weaken education accountability and teacher effectiveness in a reauthorization of the Elementary and Secondary Education Act (ESEA).

The flaws in both bills released are a natural result of a failure to develop the legislation in a bipartisan manner. Bipartisanship is essential if Congress is to pass an update of No Child Left Behind (NCLB) in the coming year and see it signed into law. Without such bipartisanship, these bills accordingly step backward from the reforms needed to improve public education and boost student achievement.

Specifically, the Student Success Act abandons strong educational standards to ensure students are ready for college and careers; lets schools, school districts and states avoid improving student academic achievement; and provides no basic guidelines for turning around even the lowest performing schools. Our children and the nation's future cannot afford such negligence in federal policy.

The Encouraging Innovation and Effective Teachers Act similarly reflects a poorly thought-out and overly partisan construction by omitting key elements of educator effectiveness: not requiring performance evaluations of school principals; severing evaluation results from instructional improvement through teacher professional development; and failing to specify student assessment growth as a measure of student achievement in evaluation results.

Had the majority party worked in a bipartisan manner on these draft proposals, these defects would have likely been addressed by including components of reform legislation already introduced, including the Securing Teacher Effectiveness, Leadership Learning and Results (STELLAR) Act (H.R. 1368) and the Growth to Excellence Act (H.R. 3845). The success of such a bipartisan approach was evidenced last September when the House passed a strong charter school bill, the Empowering Parents through Quality Charter Schools Act, with overwhelming bipartisan support. The majority party should have heeded the lesson of that experience.

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The alternative to Congressional ESEA reauthorization is almost certainly the waiver process, which the U.S. Department of Education has had to establish to correct problems in NCLB. Although less than ideal, waivers would be preferential to the weak accountability provisions included in the newly released House bills that will not support student academic achievement. While current NCLB provisions in this area are too prescriptive and unrealistic, the notion of holding schools accountable for student achievement is necessary to truly improve our nation's educational and economic standing.

Education is critical to our nation's ability to compete in a global economy. On this point we all agree. If we are inadequately monitoring or demanding educational improvements of all students and educators, we are actually retreating from the progress we made in No Child Left Behind. This is what we will surely see with the majority's deficient draft legislative proposals, which would represent a return to failed, pre-NCLB federal education law that spent taxpayer dollars without holding our schools truly accountable for student achievement. We should fix what is wrong with NCLB, not back away from the need to truly reform education in America.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Polis", is written over the typed name and title.

Jared Polis
Member of Congress