

# EDUCATION REGULATIONS: BURYING SCHOOLS IN PAPERWORK

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## HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD,  
ELEMENTARY AND SECONDARY EDUCATION

COMMITTEE ON EDUCATION  
AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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## **EDUCATION REGULATIONS: BURYING SCHOOLS IN PAPERWORK**

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**Tuesday, March 15, 2011  
U.S. House of Representatives  
Subcommittee on Early Childhood,  
Elementary and Secondary Education  
Committee on Education and the Workforce  
Washington, DC**

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The Subcommittee met, pursuant to call, at 10:02 a.m., in room 2175, Rayburn House Office Building, Hon. Duncan Hunter [Chairman of the Subcommittee] presiding.

Present: Representatives Hunter, Kline, Petri, Biggert, Platts, Foxx, Hanna, Barletta, Noem, Kelly, Kildee, Scott, McCarthy, Hirono, and Woolsey.

Staff present: Katherine Bathgate, Press Assistant; James Bergeron, Director of Education and Human Services Policy; Colette Beyer, Press Secretary-Education; Kirk Boyle, General Counsel; Casey Buboltz, Coalitions and Member Services Coordinator; Heather Couri, Deputy Director of Education Policy; Daniela Garcia, Professional Staff Member; Jimmy Hopper, Legislative Assistant; Barrett Karr, Staff Director; Mandy Schaumburg, Oversight Counsel; Linda Stevens, Chief Clerk/Assistant to the General Counsel; Alissa Strawcutter, Deputy Clerk; Tylease Alli, Minority Hearing Clerk; Jody Calemine, Minority Staff Director; Jamie Fasteau, Minority Deputy Director of Education Policy; Brian Levin, Minority New Media Press Assistant; Kara Marchione, Minority Senior Education Policy Advisor; Megan O'Reilly, Minority General Counsel; Alexandria Ruiz, Minority Administrative Assistant to Director of Education Policy; Melissa Salmanowitz, Minority Press Secretary; and Laura Schifter, Minority Senior Education and Disability Policy Advisor.

Chairman HUNTER [presiding]. A quorum being present, the Subcommittee will come to order. Good morning. Welcome to the Subcommittee's first hearing of the 112th Congress. I would like to thank our witnesses for being with us today. We look forward to your testimony.

During today's hearing, we will examine the adverse impact extensive federal regulations and reporting requirements have on teachers, administrators and students in elementary and secondary schools. Here is what we know. Too many schools and school districts are overwhelmed by unnecessary paperwork requirements. Currently, the paperwork burden imposed by the Department of

Education is larger than that of the Department of Defense, the Department of Energy, the Department of Housing and Urban Development, the Department of Interior and the Department of Justice.

From 2002 to 2009, the Department of Education's paperwork burden increased by an estimated 65 percent, an astounding number that continues to grow. States and local school districts that accept federal funds are required to meet federal reporting requirements. These regulations are usually costly, intrusive and redundant and can create unnecessary hurdles for K-12 schools. More often than not, compliance with these mandates forces schools to redistribute scarce resources that should be dedicated to fostering innovation in our classrooms.

Recently, the Administration proposed a 10.7 percent increase in the Department of Education's budget. As the federal role in federal spending in education has grown, so has the volume of regulations associated with education laws. It is important to note that on average, only about 10 percent of a school's budget comes from federal funds, which is disproportionately small when compared to the amount—to the cost of reporting requirements.

During a recent hearing in this committee, we learned from school officials that the regulatory burden created by receiving federal funds often outweighs any potential benefits. The testimony of the superintendent of Lowden County Schools pointed to multiple examples where compliance with federal regulations diverts hundreds of hours from student support in the classroom. These unmanageable mandates constitute a federal over-reach into our schools.

Not only do they direct important funds and resources away from the classroom, but they also limit an educator's ability to react to the changing education needs of our students. We need to allow our educators the flexibility to decide what is best for their schools in their communities. It is shortsighted to assume that the Federal Government knows more about educating students than the teachers and administrators on the ground.

It is time to seriously reexamine the regulatory and paperwork burden that the government has imposed on schools. We must review each regulation and ask ourselves what purpose does this regulation serve, is it actually helping to achieve our goal of improving student success. We have a responsibility to ensure taxpayer dollars are spent effectively and efficiently. And to some extent, regulation and reporting could be helpful in achieving that goal.

But we must also make certain that the nation's classrooms aren't overwhelmed by piles of costly and redundant paperwork that ultimately harms the future success of our children. We must work together to enact meaningful education reforms that encourage, rather than stifle, innovation and local flexibility. A quality education system is the key, as we all know, to building a better, more prosperous future for America.

Again, I would like to thank our witnesses for joining us today. We are interested to hear from you about the paperwork burden facing your schools and getting your ideas on what must be done here in Washington to streamline the regulatory load and encourage success in the nation's schools.

I would now like to recognize the ranking member, Dale Kildee, for his opening remarks.

[The statement of Mr. Hunter follows:]

**Prepared Statement of Hon. Duncan Hunter, Chairman,  
Subcommittee on Early Childhood, Elementary and Secondary Education**

Chairman Hunter: A quorum being present, the subcommittee will come to order.

Good morning, welcome to the subcommittee's first hearing of the 112th Congress. I would like to thank our witnesses for being with us today; we look forward to your testimony.

During today's hearing, we will examine the adverse impact extensive federal regulations and reporting requirements have on teachers, administrators, and students in elementary and secondary schools.

Here's what we know: too many schools and school districts are overwhelmed by unnecessary paperwork requirements. Currently, the paperwork burden imposed by the Department of Education is larger than that of the Department of Defense, the Department of Energy, the Department of Housing and Urban Development, the Department of the Interior, and the Department of Justice. From 2002 to 2009, the Department of Education's paperwork burden increased by an estimated 65 percent—an astounding number that continues to grow.

States and local school districts that accept federal funds are required to meet federal reporting requirements. These regulations are usually costly, intrusive, and redundant, and can create unnecessary hurdles for K-12 schools. More often than not, compliance with these mandates forces schools to redistribute scarce resources that should be dedicated to fostering innovation in our classrooms.

Recently, the administration proposed a 10.7 percent increase in the Department of Education's budget. As the federal role—and federal spending—in education has grown, so has the volume of regulations associated with education laws. It is important to note that, on average, only about 10 percent of a school's budget comes from federal funds, which is a disproportionately small amount when compared to the total cost of reporting requirements.

During a recent hearing in this committee, we learned from school officials that the regulatory burden created by receiving federal funds often outweighs any potential benefits. The testimony of the superintendent of Loudoun County Schools pointed to multiple examples where compliance with federal regulations diverts hundreds of hours from student support in the classroom.

These unmanageable mandates constitute a federal overreach into our schools. Not only do they direct important funds and resources away from the classrooms, but they also limit an educator's ability to react to the changing education needs of our students. We need to allow our educators the flexibility to decide what is best for schools in their communities. It is shortsighted to assume the federal government knows more about educating students than the teachers and administrators on the ground.

It is time to seriously reexamine the regulatory and paperwork burden the government has imposed on schools. We must review each regulation and ask ourselves, what purpose does this regulation serve? Is it actually helping to achieve our goal of improving student success?

We have a responsibility to ensure taxpayer dollars are spent effectively and efficiently, and to some extent, regulation and reporting can be helpful in achieving that goal. But we must also make certain the nation's classrooms aren't overwhelmed by piles of costly and redundant paperwork that ultimately harms the future success of our children. We must work together to enact meaningful education reforms that encourage, rather than stifle, innovation and local flexibility. A quality education system is the key to building a better, more prosperous future for America.

Again, I'd like to thank our witnesses for joining us today. We are interested to hear from folks on the ground about the paperwork burden facing your schools and getting your ideas on what must be done in Washington to streamline the regulatory load and encourage success in the nation's schools. I would now like to recognize the Ranking Member, Dale Kildee, for his opening remarks.

Mr. KILDEE. Thank you very much, Mr. Chairman. And I personally welcome you to your first hearing as chairman. And that is an historical element for any person. I can recall 34 years ago when I did that.

Chairman HUNTER. And that is how old I am, actually.

Mr. KILDEE. Really?

Chairman HUNTER. So it is good.

Mr. KILDEE. Good time, then, right? [Laughter.]

That is very good. You know, he is a very strong chairman and a very civil chairman, which is very important.

Your dad gave you a good background. And I appreciate that very much. We have worked together. We have gone to the White House together. And we like each other, which helps a lot in this business down here. So I appreciate your—I would rather be chairman myself. But since it can't be my side, I am glad you are the chairman, Mr. Chairman.

You know, we talk about the complex reporting requirements we have today. And I can recall when I taught school that all I was responsible for was to give an A down to F, A, B, C, D, E, F. And when it got very sophisticated, I recall very often I would call a student in and say, "You know, you are just barely making it in Latin." I taught Latin. This was first year Latin. "But I tell you what, if you promise not to take second year Latin, I will pass you." And that was the level of sophistication we had in those days. We didn't do much more than that.

So we do need information, but we don't need useless information or redundant information. And I think that we would agree on that very much.

So, thank you, Mr. Chairman, for calling this Subcommittee hearing.

I am pleased to welcome the witnesses to this hearing on education regulations. Thank you all for taking the time out of your busy schedules to provide us with the guidance on how we can lessen the burden on schools while improving student achievement.

The timing of this hearing is important as this Congress continues the bipartisan, bicameral reauthorization of the Elementary and Secondary Education Act. When this bill was last reauthorized, it was a very bipartisan bill. Mr. Boehner was my chairman at that time. And now he has risen much higher in this Congress.

But we enjoyed working with one another. We had our differences, but we were able to report a bill to the President. So I believe that this reauthorization is long overdue and hope that we can send a bill to the President.

The role of the Federal Government in education has changed over the years, but the mission remains the same: to ensure equal access to a quality public education for all students through the Elementary and Secondary Education Act. It is really ESEA. We give it a new name every time we reauthorize. And this time it is probably very important we give it a new name because the name-No Child Left Behind—probably has not looked that good with those that feel that it hasn't carried out the title as we had wished it would.

And IDEA is a very important program here, too. And this is where we have had bipartisan support. I see his favorite lobbyist over here. But Bill Goodling was one of the great advocates of IDEA. And it has always been a good bipartisan program, too.

So I look forward to listening to you, particularly on the issue that we are talking about today. And we may call upon you again



in other issues. And again, I welcome the chairman to his new responsibilities.

Thank you, Mr. Chairman.

[The statement of Mr. Kildee follows:]

**Prepared Statement of Hon. Dale E. Kildee, Ranking Member,  
Subcommittee on Early Childhood, Elementary, and Secondary Education**

Thank you Mr. Chairman for calling this subcommittee hearing. I am pleased to welcome the witnesses to this hearing on education regulations. Thank you for taking time out of your busy schedules to provide us with guidance on how we can lessen the burden on schools while improving student achievement.

The timing of this hearing is important as this congress continues the bipartisan, bicameral reauthorization of the Elementary and Secondary Education Act. I have participated in five reauthorizations of ESEA during my time in Congress, and strongly believe this reauthorization is long overdue.

The role of the federal government in education has changed over the years but the mission remains the same: to ensure equal access to a quality public education for all students. Through the Elementary and Secondary Education Act (ESEA) and the Individuals With Disabilities Act (IDEA) the federal government has advanced this important civil rights goal.

The No Child Left Behind Act called for the disaggregation of data for low income students, minorities, students with disabilities and English language learners and shed light on the inequalities in our education system. Prior to the law achievement among these students was masked or hidden by the system. The call for information and accountability was the right thing to do.

Unfortunately, the one-size fits all approach of current law did not do enough to close the achievement gap. We need to give states the support and flexibility they need, while still ensuring equal opportunity for diverse student groups.

It is important to look at the requirements we are placing on states and districts through federal law and regulations. If we can streamline program administration and better align programs and data to reduce burdens, we should do that as long as we are maintaining our core goals.

However, there needs to be some level of direction from the federal government to create coherence in the system, maintain accountability, and increase student achievement.

I fundamentally believe that education is a local function, a state responsibility, and finally a federal concern.

Through this process, I hope we never lose sight of the opportunity we have before us. We must prepare to do what is right for all students, even if it requires a lot of work and significant change.

I look forward to the testimony today and I am prepared to work with Chairman Hunter and all the members of the committee as we work to reauthorize the Elementary and Secondary Education Act to better prepare students to compete in a global economy.

Thank you, Mr. Chairman. I yield back.

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Chairman HUNTER. Thank the gentleman from Michigan. Thanks for the kind words. And if I mess this up, it is simply because it is my first time.

Pursuant to committee rule 7-C, all subcommittee members will be permitted to submit written statements to be included in the permanent hearing record. And without objection, the hearing record will remain open for 14 days to allow statements, questions for the record and other extraneous material referenced during the hearing to be submitted in the official hearing record.

It is now my pleasure to introduce our distinguished panel of witnesses. First, Dr. Bob Grimesey.

Did I say that right—has served as the superintendent of Orange County Public Schools, but the one out here. I forget, being from California, there is an Orange County on the East Coast, too. It is close by—has served as the superintendent of Orange County Pub-

lic Schools since July 1, 2009. Prior to coming to Orange County, Dr. Grimesey served as superintendent of Allegheny County Public Schools from July 2001 through June 2009. In May 2007, he was named region six superintendent of the year by the Virginia Association of School Superintendents. Prior to his tenure in Allegheny County, Dr. Grimesey served from 1987 to 2001 in Rockingham County Public Schools.

Mr. Grimesey, thank you for being here.

Next is Mr. James Willcox, who was named Aspire's second chief executive officer in 2009. And prior to joining Aspire, he was the founding chief operating officer for Education for Change, a non-profit charter management organization founded to restart underperforming district schools within the Oakland unified School District. Mr. Willcox has also served as a principal at New Schools Venture Fund, a philanthropic organization focused on improving public schools nationwide. Mr. Willcox has also served as a U.S. Army officer for over 7 years.

Thank you for your service, Mr. Willcox. My little brother is in the Army. In fact, he just got back from Iraq in September. So thank you for what you do.

Next Mr. Chuck Grable, who currently serves as the assistant superintendent for instruction for the Huntington County Community School Corporation in Huntington, Indiana. In this capacity, he oversees K-12 instruction, curriculum development assessment, professional development and student teacher placements. Prior to this position, Mr. Grable served as the principal at a K-8 school in Huntington County and as an elementary school teacher.

Thank you for being here.

And last, Ms. Jennifer Marshall, who serves as the director of domestic policy studies at the Heritage Foundation, where she oversees research and education, marriage, family, religion and civil society. She also directs the think tank's Richard and Helen Devow's Center for Religion and Civil Society.

So prior to recognizing each one of you for your testimony, let me just briefly explain the lighting system, if you haven't testified here prior. You will have 5 minutes, and a little, yellow light will turn on after four of those. It will say you have 1 minute left. And when it turns red, try to wrap up, if you could, please.

Thank you all for being here again. And I would like to now recognize Dr. Grimesey to start off. You are recognized.

**STATEMENT OF ROBERT GRIMSEY, JR., ED.D.,  
SUPERINTENDENT, ORANGE COUNTY PUBLIC SCHOOLS**

Mr. GRIMSEY. Chairman Hunter and Ranking Member Kildee, members of the Subcommittee, including Mr. Scott from my home state, thank you for inviting me to testify today regarding the impact of federal regulations and reporting from the perspective of an administrator in a small, rural school division. My name is Robert Grimesey, and I am superintendent of Orange County Public Schools in Virginia. I also serve as co-chairman of the Virginia Association of School Superintendents' legislative committee.

Orange County is a small, rural school district of 5,050 students located just beyond the Southern boundary of the greater Wash-

ington, D.C. area suburbs. I speak today from my 27 years as a public educator and 10 of those as a school superintendent.

Orange County Public Schools takes seriously its responsibility to comply with all regulations and reporting requirements of our local school board, our state education agency and all federal agencies. Unlike many large school divisions, however, OCPS employs no individual data analysts or program analysts. And we have no research office.

Our entire central office administrative staff includes a total of 11 secretaries and 14 administrators, including the superintendent. These 25 individuals fulfill all division-level administrative duties, including all federal and state compliance and reporting requirements. Yet, our division-level administrative capacity is envied by most, if not all, of the 70 percent of America's school districts with enrollment at 2,500 or less.

At first glance, there may seem to be little that is new about state and local complaints related to federal paper work and its associated administrative burdens. Make no mistake, the vast majority of rural school superintendents and school board members understand and respect the need for reasonable accountability and transparency as we receive and invest federal dollars.

However we believe that there is much that is not reasonable about the ever-expanding nature of many federal obligations. We also see a need for streamlined collaboration between USDOE and the SEAs in the articulation of data reporting requirements.

Ultimately, many well-intended federal regulations are creating a culture of compliance that leads to a local fear of failure. Such a context makes federal compliance an end in itself. For localities at the end of this regulatory food chain, it becomes very difficult to maintain our focus on the achievement and welfare of our students.

Allow me to offer an example. On January 28, 2011, the Virginia Department of Education advised school superintendents that it was required by federal regulations associated with the American Recovery and Reinvestment Act to collect and report the following by September 30 of this year: course-level data by student and teacher for all students; descriptions of teacher and principal evaluation systems; teacher and principal evaluation outcomes; and information on charter schools that fail.

Much of this information is currently not maintained electronically. Existing electronic data sets are not interconnected. Misalignment between the September federal deadline and the annual calendar of other state reporting tasks is going to result in duplication of effort on at least two data-reporting procedures.

A new master schedule course collection process is being developed to address the many non-existent and disconnected data sets. The process is intended to tie each student's class grades and standardized test scores to each of the student's teachers, including standard classroom teachers as well as special education or English-as-a-Second-Language teachers. Having established a connection between each student and each of his teachers, the process then ties the student's performance to the evaluation outcomes and licensure statuses of each of his or her teachers.

Orange County, like most rural school divisions, lacks the manpower and expertise to project the time and monetary costs associated with the development and maintenance of the new master schedule course collection process. However it does not require a lot of imagination to envision the work that will be needed to collect dozens of outcomes from each of the paper evaluations of our 350 teachers and principals and then to integrate that information with the existing electronic database for teacher licensure and then to integrate that data base with a separate data base for student standardized test performance and then to tie that back to the grades awarded to an individual student by each teacher who serves that particular student.

Let me be clear. Orange County respects the need for valid and reliable evaluations for teachers, principals and its superintendent. We also embrace the appropriate inclusion of student performance data in the evaluation of instructional staff. But we have developed and implemented an effective evaluation process without federal assistance. New layers of reporting requirements offer little benefit to what we already have accomplished on our own.

The volumes of data to be generated as a result of the new ARRA-related requirements may make for interesting reports. But what will be the ultimate price tag? And will that new cost really result in teachers and principals feeling more accountable for student learning than they do already? And ultimately, will all of this new information actually improve the welfare and academic achievement of students? In other words, is all of this really worthwhile?

From the perspective of under-staffed rural school divisions, the answer may be irrelevant. We simply may not have the personnel needed to deliver on the demands of this process. The elaborate reporting requirements associated with ARRA represent a classic example of overly-burdensome federal regulations.

They provide little benefit to school divisions that already have developed evaluation systems that can ensure accountability. They promulgate a culture of compliance that distracts from local focus away from student learning. And they create a massive challenge for effective articulation between USDOE and the SEAs.

Thank you, Mr. Chairman.

[The statement of Mr. Grimesey follows:]

**Prepared Statement of Robert P. Grimesey, Jr., Ed.D.,  
Superintendent, Orange County Public Schools**

Chairman Hunter, Ranking Member Kildee, and Members of the Sub-Committee: Thank you for inviting me to testify today regarding the impact of federal regulations and reporting from the perspective of an administrator in a small rural school division.

My name is Robert Grimesey and I am the Superintendent of Orange County Public Schools in Virginia. I also serve as Co-Chairman of the Virginia Association of School Superintendents' Legislative Committee. Orange County is a small rural school district of 5,050 students located just beyond the southern boundary of the greater Washington, D.C.-area suburbs. I speak to you today from my 27 years as a public educator, which includes 10 years as a school superintendent.

Orange County Public Schools (OCPS) takes seriously its responsibility to comply with all regulations and reporting requirements of our local school board, our state education agency (SEA) and federal agencies. Unlike many large school divisions, however, OCPS employs no individual data analysts or program analysts. We have no research office. Our entire central office administrative staff includes a total of

11 secretaries and 14 administrators, including the superintendent. These 25 individuals fulfill all division-level administrative duties, including all federal and state compliance and reporting requirements. And yet, our division-level administrative capacity is envied by most, if not all, of the 70% of America's school districts with enrollment at 2,500 or less.

At first glance, there may seem to be little that is new about state and local complaints related to federal paper work and its associated administrative burdens. Make no mistake. The vast majority of rural school superintendents and school board members understand and respect the need for reasonable accountability and transparency as we receive and invest federal dollars. However we believe that there is much that is not reasonable about the ever-expanding nature of many federal obligations. We also see a need for streamlined collaboration between USDOE and the SEAs in the articulation of data reporting requirements. Ultimately, many well-intended federal regulations are creating a "culture of compliance" that leads to a local fear of failure. Such a context makes federal compliance an end in itself. For localities at the end of this regulatory food chain, it becomes very difficult to maintain our focus on the achievement and welfare of our children.

Allow me to offer an example. On January 28, 2011, the Virginia Department of Education advised school superintendents that it was required by federal regulations associated with the American Recovery and Reinvestment Act (ARRA) to collect and report the following by September 30 of this year:

- Course-level data by student and teacher for all students;
- Descriptions of teacher and principal evaluation systems;
- Teacher and principal evaluation outcomes; and
- Information on charter schools that close.

Much of this information currently is not maintained electronically. Existing electronic data sets are not interconnected. Misalignment between the September federal deadline and the annual calendar of other state reporting tasks is going to result in duplication of effort on at least two data-reporting procedures

A new "master schedule course collection" process is being developed to address the many non-existent and disconnected data sets. The process is intended to tie each student's class grades and standardized test scores to each of the student's teachers, including standard classroom teachers as well as special education or English-as-a-Second-Language teachers. Having established a connection between each student and each of his or her teachers, the process then ties the student's performance to the evaluation outcomes and licensure statuses of each of his or her teachers.

Orange County, like most rural school divisions, lacks the manpower and expertise to project the time and monetary costs associated with the development and maintenance of the new "master schedule course collection" process. However it does not require a lot of imagination to envision the work that will be needed to collect dozens of outcomes from each of the paper evaluations of our 350 teachers and principals; and then to integrate that information with the existing electronic data base for teacher licensure; and then to integrate that data base with a separate data base for student standardized test performance; and then to tie that back to the grades awarded to an individual student by each teacher who serves that student.

Let me be clear. Orange County respects the need for valid and reliable evaluations for teachers, principals and its superintendent. We also embrace the appropriate inclusion of student performance data in the evaluation of instructional staff. But we have developed and implemented an effective evaluation process without federal assistance. New layers of reporting requirements offer little benefit to what we already have accomplished on our own.

The volumes of data to be generated as a result of the new ARRA-related requirements may make for interesting reports. But what will be the ultimate price tag? And will that new cost really result in teachers and principals feeling more accountable for student learning than they do already? And ultimately, will all of this new information actually improve the welfare and academic achievement of students? In other words, is all of this really worthwhile? From the perspective of under-staffed rural school divisions, the answer may be irrelevant. We simply may not have the personnel needed to deliver on the demands of this process.

The elaborate reporting requirements associated with ARRA represent a classic example of overly burdensome federal regulations. They provide little benefit to school divisions that already have developed evaluation systems that can ensure accountability. They promulgate a culture of compliance that distracts local focus away from student learning. And they create a massive challenge for effective articulation between USDOE and the SEAs.

Chairman HUNTER. Thank you, Dr. Grimesey, for your testimony.

I would now like to recognize Mr. Willcox for 5 minutes.

**STATEMENT OF JAMES WILLCOX, CEO,  
ASPIRE PUBLIC SCHOOLS**

Mr. WILLCOX. Good morning, Chairman Hunter, Representative Kildee and members of the Committee. Thank you for inviting me here today. My name is James Willcox. I am the chief executive officer of Aspire Public Schools.

We are the largest public charter management organization in California. And today we operate 30 public charter schools in low-income communities across the state serving nearly 10,000 students. I am here today to affirm two things. The first is to agree with my colleague. It is of the utmost importance that we as operators of public schools serve as responsible custodians of the public's funds. Secondly, I am here to testify that at times, oversight and compliance can make it more difficult for federal funds to serve its intended purpose and to educate our students.

As a public charter school organization, flexibility is critical to our success. Flexibility allows us to devote more resources to the classroom because we are unburdened by many of the regulations of state and federal categorical programs.

At Aspire, we are very clear on what happens in our schools. We call it college for certain. We are focused on preparing our students, not only to graduate from high school, but to also be prepared to attend and succeed in college and in life.

Across our 30 schools, we are doing exactly that. Last year, 100 percent of our graduates went on to be accepted at 4-year colleges and universities. In 5 years, we will graduate at least 500 college-bound students every year.

Preparing our students for college success is critically important and even more so when you consider that most of our students are the first in their family to attend college. On the 2010 academic performance index, which measures all the academic performance of California schools, Aspire schools earned an overall score of 824 out of a possible 1,000 points, making us the highest performing public school system serving low-income students in California.

An important part of our success today is the support of federal funding. At Aspire, federal funding accounts for 12 percent of our total public revenue, approximately \$10 million of restricted funding each year. An already difficult fiscal environment in California is made even more challenging because many federal funding streams come with a cost, which includes staff time and paperwork.

At any time, this cost matters because as many resources as possible should flow to our classrooms, where the frontline work of educating our children is happening every day. Today, it matters even more. I want to share two examples where oversight of federal funds moved beyond what we believe is necessary to provide proper stewardship of the taxpayers' money and enters into a realm where it becomes overly-burdensome for teachers, for administrators and for our schools.

First is Title 1. We serve more than 70 percent low-income students and rely on Title 1 for 3 percent of our total operational fund-

ing. As you know, this program provides financial assistance for schools with high numbers of low-income children.

To qualify for or renew Title 1 funding requires copious amounts of paperwork. For each educator funded with Title 1 monies, we must fill out personnel activity sheets each month. We must then outline their salary for that month and describe how much of that salary comes from Title 1 funding. Each staff member and his or her principal needs to sign these forms monthly.

Across our 30 schools, teachers, principals and administrative staff spend approximately 3 hours per school per month filling out compliance paperwork. In addition to these monthly reports, we also submit two 30-page reports each year outlining our adherence to Title 1 under No Child Left Behind.

Beyond these reports, we also go through a rigorous auditing process. These audits require us to use what is known as level of effort calculations showing that we are using Title 1 funds to supplement our regular education program, not simply as unrestricted funds to be used at the school's discretion in the service of students. In order to do this, we pull hundreds of receipts and invoices from our files each year. This process involves five full-time staff members, as you can imagine, a ton of paperwork.

The second example is the national school lunch program. The national school lunch program is critical to Aspire families. Currently, more than 6,800 of our students receive free or reduced-price meals from this invaluable program. In order to receive these meals each year, parents must fill out an application, which is submitted to our program director, who manually enters this data into a computer system to determine whether or not the family qualifies for the program and then communicates these results back to the school and back to the families.

This is a very time-consuming process for both staff and administrators during the first few weeks of school, which is one of the busiest and most critical times of the year. Monitoring and implementing this program requires daily tracking of food, students and the program itself. There is also a large amount of paperwork involved in observations, health inspections and food distribution.

When federal funding streams become available, we at Aspire must determine if the compliance costs will outweigh the benefit of the funding. In the past, we have chosen not to apply for some federal funds because the compliance requirements of some of these funds do not justify the amount of resources it would take to apply for and manage them.

In order to continue providing a high-quality education to our students, we need your support. Only through streamlining federal grant and reporting processes will we be able to access the funding that will ensure that we can do everything we can for our students.

I hope we can shift our collective mindsets to focus on maximizing dollars in classrooms and the student outcomes that we seek. We surely appreciate the intent to ensure that federal funding is used to achieve the purposes for which it was intended. I hope the new process can be implemented is less concerned with the detailed accountability for inputs and focused more on the clear outcome or objective of each program and one grounded in our collective responsibility to effectively educate all of our students.

On behalf of the nearly 10,000 students we serve in California, I thank you for inviting us here today. The opportunity to speak with you is an inspiration to our families and the communities that we serve. They know you are eager to listen and to learn about the challenges we face. And it is important you do as much as you can to support our students' journey to college.

I am constantly reminded of our incredible work and the heroism of our teachers and our staff every day when I visit our schools. I would like to take this chance to extend an open invitation to all of you whenever in California to come visit an Aspire school so you can see what happens every day when federal dollars go where they are most needed, which is to our students.

[The statement of Mr. Willcox follows:]

**Prepared Statement of James Willcox, Chief Executive Officer,  
Aspire Public Schools**

Good morning Chairman Hunter, Representative Kildee and members of the Committee. Thank you for having me here today.

My name is James Willcox and I am the Chief Executive Officer of Aspire Public Schools. We are the largest public charter school management organization in California. Today we operate 30 public charter schools in low-income communities across the state and serve nearly 10,000 students.

I'm here today to do two things. First, I want to affirm the fact that it is of the utmost importance that we, as an operator of public schools, serve as responsible custodians of public funds. Proper and adequate oversight over all public dollars is integral to the success of our educational system. We must do this in order to maintain the public's confidence that our tax dollars are used wisely and responsibly. Secondly, I am also here to testify to the fact that, at times, oversight and compliance can make it more difficult for federal funds to flow where they are most needed and to serve the purpose for which they are intended—to support our students.

As a charter school organization, flexibility is a key ingredient to our success. It is this flexibility that allows us to devote more resources to the classroom because we are unburdened by many of the regulations of state and federal categorical programs.

This is unfortunately not the case for most of our colleagues in traditional public schools. We believe that traditional public schools would and should benefit from the same type of flexibility that we enjoy as charter schools. For us, one of the most powerful opportunities that charter schools have created is the opportunity to demonstrate what might be possible with a shift from a compliance-driven system to one that is focused on outcomes with student achievement as its first priority. Of course, it's our view that a more flexible, outcomes-focused approach should also demand higher levels of accountability. We believe that this is a powerful marriage of concepts—concepts that are at the heart of the promise of public charter schools.

But even with the higher levels of flexibility that we enjoy, our schools still cannot access federal funding that we are qualified to receive. With limited resources and staff time, we routinely make decisions to forgo federal funding that is available to our students. Why? Simply put, our teachers, administrators and staff members do not have the time or resources necessary to apply for and manage the compliance and reporting for many federal grants programs—programs that are desperately needed by students that are served by charter management organizations just like ours.

In this time of budget constraints, all of us know that every dollar counts. As a non-traditional system of free, open-enrollment public schools, we depend primarily on federal and state funding to fulfill our commitment to our students and families—a mission to provide small, personalized high-quality public schools to students and families who want and need more high-quality public school choices. At Aspire, we are also very clear on what happens in our schools we call it “College for Certain.” We are focused on preparing our students not only to graduate from high school, but to graduate prepared to attend and succeed in college and in life.

Across our 30 schools, we are succeeding. Last year, one hundred percent of Aspire's graduating seniors were accepted to four-year colleges or universities. In five years, we will be graduating at least 500 college bound students each and every year. Preparing our students for college success is critically important, even more so when you consider that most of our students are the first in their family to at-



tend college. Only half of low-income students who graduate from high school move on to institutions of higher learning. Sadly, many don't graduate at all. Our teachers, parents and administrators are working tirelessly to reverse this trend and the results they are achieving are truly remarkable.

On the 2010 Academic Performance Index, which measures the academic performance of California schools, Aspire schools earned an overall score of 824 out of a possible 1,000, making us the highest-performing public school system serving low-income students in the state of California. In addition, we were recently recognized as one of the world's 20 most improved school systems by the management consulting firm McKinsey & Company. These results and recognition are a testament to our team and the determination of our students and families to change the odds that are too often stacked against them. As an organization, we believe this is more than a reason to be hopeful—it is a reason to demand more of ourselves to deliver on the promise of public education in every community across the country. It is a reason to focus more on outcomes for all of our students and a reasonable, less burdensome set of compliance requirements for all of our schools.

In California, more and more families are demanding high-quality public schools for their children. Even in these incredibly tough economic times, Aspire is trying to help. We intend to continue bringing our high-performing educational model to even more low-income families across California. Our ability, however, to fulfill our intentions to continue opening new schools and serving more students is in large part driven by the flexibility we have to direct the majority of our funding to where it matters most—our students. Today, federal funding accounts for 12 percent of our total public revenue and amounts to approximately 10 million dollars of restricted funding.

At any given time, having the flexibility to allocate your budget to meet the most pressing needs of your students is powerful. In this difficult financial environment, flexibility in school budgets is critical to protect our students from the tough times around them. Traditional public school districts across California and the country have far less flexibility when it comes to the very tough tradeoffs schools are being forced to make.

That said, an already difficult fiscal climate in California is made even more difficult for our organization because many of our funding streams come with a cost, and that is time and paperwork. At any time, this matters because resources should flow to classrooms where the front line work of educating our children is happening every day. In a time like this, it matters even more.

I would like to give you two examples where oversight of federal funds moves beyond what we believe is necessary to ensure proper stewardship of taxpayer money and enters into the realm where it becomes overly burdensome.

#### *Title I Funding*

As a public school system that serves more than 70 percent low-income students, we rely on Title I for three percent of our total operational funding. As you know, this program provides financial assistance to schools with high numbers of low-income children to ensure that our schools have the resources they need to ensure that all of our students are achieving academically.

To qualify for or renew Title I funding requires copious amount of paperwork. For each employee funded with Title I monies, we must fill out a personnel activity sheet each month. We must then outline their salary for that month and describe how much of that salary is from Title I funding. Each staff member and his/her principal have to sign these forms on a monthly basis. Across our 30 schools, teachers, principals and administrative staff spend approximately three hours per month filling out compliance paperwork. These are hours taken from supporting our teachers, assisting our families or preparing our students for success in college.

In addition to these monthly reports, we must submit two 30-page reports each year outlining our adherence to Title I under No Child Left Behind. We work to compile these lengthy and cumbersome reports for each school.

Beyond these monthly and periodic reports, we also go through a rigorous annual auditing process. For our audits, we are required to use what is known as "level of effort" calculations, showing that we are using Title I funds to supplement our regular education program, not simply as unrestricted funds for our operating expenses. In order to do this, we pull hundreds of receipts and invoices from our files. This process involves five staff members and, as you can imagine, a ton of paperwork.

We understand and appreciate the intent to ensure that funding for low-income students is used appropriately, and I hope we can work together to ensure that oversight and compliance does not excessively dilute our effort to focus on what matters most the achievement of the students we are trying to serve. In short, I hope

a new process can be implemented that is less concerned with detailed accountability for inputs and focused more and more on our collective responsibility to deliver high-performing students for some of our most underserved communities.

#### *National School Nutrition Funding*

The National School Nutrition program is critical to Aspire families. Currently, more than 6,800 of our students receive free or reduced priced lunch from this invaluable resource.

In order to receive free or reduced priced breakfast and lunch, each year parents must fill out an application, which is then submitted to the program director. Our program director manually enters this data in the computer system to determine whether or not the family qualifies for the program and then communicates the results back to the individual schools to relay to our families. This is a very time consuming process for both staff and administrators during the first few weeks of school, which is one of the busiest times of the school year. Monitoring and implementing this program requires daily tracking of food, students and intake. There is also a large amount of paperwork involved in observations, health inspections and food distribution.

The National School Nutrition Program is one example of a program that is a vital service for our families. It is, however, also a program that is managed by a dedicated staff member and generates more than one and a half hours of daily paperwork at each school site. While ensuring oversight of taxpayer monies is important, it takes time and resources from our classrooms. The costs we incur to staff the various elements of the compliance program come from our schools' operational budgets, lessening our ability to support our students in the classroom. By reducing paperwork in small amounts throughout the food service process, our teachers and staff will be able to redirect that time to their students. One specific example might be multi-year eligibility for our students, or simply establishing eligibility when a child enters school.

Title I and the National School Nutrition Program are two federal programs that support our students, teachers, administrators and school sites in accomplishing our goal of "College for Certain." When funding streams come available, Aspire is forced to determine if the compliance costs outweigh the benefit of the money. In the past, we have chosen to refrain from receiving federal funds because the compliance requirements of many federal grants do not justify the amount of resources that it would take to apply for and manage these funds.

#### *Conclusion*

In order for our schools to continue to grow and provide a high-quality education to students who need it the most, we need your support. Only through streamlining federal grant and reporting processes will Aspire be able to access funding that will ensure that California's low-income population can send their child to the public school of their choice. It is my hope that we can shift our collective mindset to focus on dollars in classrooms and outcomes achieved.

I believe that we should assume a posture that recognizes that compliance and regulations takes resources away from our students. I also believe that the burden of proof should be on rule-making, not on schools, to prove that the costs of oversight don't overly burden our schools and most importantly, overly dilute the purpose for which the funds were intended. We should focus additionally on lightening the burden of compliance around inputs (what we do) and focus more on what we want schools to achieve with federal funding. Simultaneously, we should implement rewards and recognition for schools and organizations that achieve positive student outcomes potentially lightening the load when schools have proven that they are able to achieve the intended outcome or objective of federal programs. On the flip side, I also believe that we should consider greater accountability for those schools that fail to serve our students well.

On behalf of nearly 10,000 students we serve in California, I would like to end my comments by thanking you for having me here today. The opportunity to speak with you about the challenges that we face, knowing that you are listening, knowing that you are eager to help and always asking the question "How can we better support our students and our schools?" is inspiring for our families and the communities we serve. I am constantly reminded of our incredible work and the heroism of our teachers and team when I visit our schools and I would like to extend an open invitation to visit an Aspire school to find out what happens when your federal dollars go where they are needed the most our students. Thank you very much. I would be happy to answer your questions.

Chairman HUNTER. Thank you, Mr. Willcox, for your testimony. Mr. Grable?

**STATEMENT OF CHUCK GRABLE, ASSISTANT SUPER-  
INTENDENT FOR INSTRUCTION, HUNTINGTON COUNTY  
COMMUNITY SCHOOL**

Mr. GRABLE. Chairman Hunter, Ranking Member Kildee and members of the committee, thank you for the opportunity to testify before you today. The Huntington County Community School Corporation is a rural, county-wide Pre-K-12 school district with about 6,000 students and 11 schools. We are an extremely socio-economically diverse district.

Our individual schools free and reduced lunch percentages range from a low of 27 percent to a high of 80 percent. Our mission is to create world-class learning results for all students. We have aligned and adjusted the federal accountability requirements, developed a strategic plan focused on goals, data and results, held administrators and teachers more accountable for implementation and have made our data transparent for parents.

Due to these efforts, we have made AYP two of the past 3 years. We have also successfully pulled two elementary schools out of corrective action and are about to pull the third and final elementary out of corrective action.

Some would argue that the federal accountability and reporting requirements are overly-burdensome. I would argue that certain federal data requirements are important to driving change and improving student achievement. However, certain requirements could be streamlined to remove redundancies. The current federal requirements are sufficient, and we must use this data in more efficient and effective ways to guide improvement in daily instructional decisions.

Data collection and analysis supports best practice, creates efficiencies and ensure students' civil rights are met. Data is also used to monitor and evaluate results and to provide transparent information to parents and community.

We are a firm believer in what gets measured gets done and have successfully organized our school improvement efforts around this philosophy. As Congress looks to improve federal education law, any federal requirements for reporting should be carefully analyzed to reflect what will benefit students. The focus should be on student outcomes instead of compliance.

Because federal law has demanded we look more closely at which students are achieving and which are struggling, we have been vigilant in data collection, analysis and transparency in the following ways: We created a strategic plan that includes key indicators, which we monitor, and action steps that guide our improvement. We use an elementary literacy walls to monitor the performance of every student.

We conduct ongoing data meetings among and between all areas of school leadership, parents and the public. We teach students to track their own performance. We invested in a data warehouse and a response to intervention documentation program to create efficiencies in pulling data for district, state and federal reporting and to improve daily instruction.

We give parents real-time access to all student data and relevant information. This allows us to truly partner with parents to provide the best possible education to all students, including those with an IEP or English language learners.

In all of our work, student privacy is fully protected. And only parents and educational personnel have access to this information. We routinely go beyond the federal collection requirements to maximize improvement and identify groups or individual students that need more support or further academic challenge. With our tools, principals and teachers can filter and disaggregate data to view overall trends or identify instructional needs such as which students are struggling to master standard sub-skills or concepts.

This allows us to identify the students most in need and target interventions for those students and provide professional development for our teachers. Our success in using data to drive instruction and target support at all grade levels speaks for itself. I have several recommendations I would like to offer. And they are:

One, carefully examine requirements and any new regulations through the lens of what drives reform and directly benefits students.

Two, work to streamline the reporting process and remove redundancies. We are often required to report the same information several different times to several entities, for example, IDEA, Title 1 and our own state divisions.

Three, provide support for states and districts to use data warehouses that reduce collection and reporting burdens while using data to improve teaching and student performance.

Thank you for the opportunity to testify today. And I would be pleased to take any questions.

[The statement of Mr. Grable follows:]

**Prepared Statement of Charles Grable, Assistant Superintendent for Instruction, Huntington County Community School Corporation (HCCSC)**

Chairman Hunter, Ranking Member Kildee, and members of the Committee, thank you for the opportunity to testify before you this morning on the role of the federal government in education and its impact on states, districts, and schools; especially when examining the need for data collection and reporting.

The Huntington County Community School Corporation (HCCSC) is a rural, county-wide preK-12 school district consisting of 5,986 students in 11 schools. We are an extremely socio-economically diverse district. Our individual schools' free/reduced lunch percentage ranges from a low of 27% to a high of 80%. The mission of HCCSC is to create world-class learning results by focusing on literacy, academic standards, a safe learning environment, stakeholder satisfaction, and career and life readiness. Our school district has been in corrective action for the past seven years. Through a process of aligning and adjusting to federal accountability requirements; developing a strategic plan focused on SMART goals, data, and results; holding administrators and teachers more accountable for implementation of key strategies; and partnering with and making our data transparent to the community and parents; HCCSC has made Adequate Yearly Progress two out of the past three years. HCCSC has also successfully pulled two elementary schools out of corrective action by targeting instruction on the special education subgroup, and is about to pull the third and final elementary out of corrective action for improving results in the special education and free/reduced lunch subgroups.

Sadly, there are many school districts, educators, and stakeholders that would argue that federal accountability and reporting requirements, including the use of data, are overly burdensome. While I would argue that many of the reporting processes should be streamlined to remove redundancies to be more efficient, the Federal requirements in this area are extremely important to driving student achievement.

States, districts, and schools need to use existing data more efficiently and effectively to drive the school improvement process and to inform daily instruction. HCCSC is a firm believer in “what gets measured gets done” (Peters, 1987), and has successfully organized its school improvement efforts around this philosophy. As Congress looks to improve Federal education law, any federal requirements for reporting or data collection, should be carefully analyzed to reflect first and foremost what will benefit the students. The focus should be on outcome or performance data instead of overly burdensome compliance regulations.

Author Jim Collins states that, “Organizations only improve where the truth is told and the brutal facts confronted.” Federal education policy has forced this concept to the forefront, and refocused school districts on valuable student data and emphasized results. This focus ensures that all students’ civil rights are met. The data collection and analysis helps educators retool and reallocate valuable, and often diminishing, resources and services to those most in need; thus ensuring that all students are provided a high quality, free, and appropriate education.

Educational reformist, Mike Schmoker (1999), states, “Data are to goals what signposts are to travelers; data are not end points, but are essential to reaching them—the signposts on the road to school improvement. Thus, data and feedback are interchangeable and should be an essential feature of how schools do business.” I cannot stress enough the importance of using data to drive improvement efforts, to support best practices, to create efficiencies, to monitor and evaluate results, and to provide information to parents and community stakeholders. Because federal law has demanded that we look more closely at which students are achieving and which are struggling, HCCSC has been vigilant in its data collection, analysis, and transparency in the following ways:

- Created a strategic plan with the School Board that includes key indicators we want to monitor and action steps to help us move forward. See attached HCCSC Strategic Plan.
- Use Elementary Literacy Data Walls to monitor the performance of every student during the fall, winter, and spring assessments. See photo on page 6.
- Conduct ongoing data meetings among and between all areas of school leadership and the public.
- Teach students to track their own performance (e.g. attendance, reading levels, NWEA scores, etc.) in Student Data Folders.
- Invested in a data warehouse and Response to Intervention (RTI) documentation program with Pearson Inform to create efficiencies, improve daily instruction, and minimize the burden for school, district, state, and federal data reporting. It has allowed HCCSC to work smarter rather than harder.
- Give parents “real time” access to their child’s grades, assessment data, RTI academic or behavioral goals, and RTI interventions. This access to their child’s grades, scores, and goals allows us to truly partner with parents to provide the best possible education to all students, including those with an IEP or English Language Learners.

In all of our work, the privacy of the student is fully protected and only parents and educational personnel can access this information. Just as we believe in the importance of data informing and driving instruction, we also ensure it remains secure and individual student privacy is not compromised.

State and federal data collection requirements are not the final destination in the improvement process. We routinely go above and beyond the federal collection requirements in order to maximize improvement efforts and identify those groups or individual students that need more support or further academic challenge. With the use of tools like the data warehouse, we are able to filter and disaggregate data to view overall trends or understand granular instructional information such as which state standard sub-skills or concepts an IDEA eligible or Title I student is struggling to master. Also, through the collection and analysis of our ongoing formative assessment data, administrators and teachers can identify those students most in need of support and successfully target interventions for students and professional development needs for teachers. Our data show the success we’re having in all grades.

Therefore, as stated earlier, the current federal reporting requirements are sufficient and we must use the current data in more efficient and effective ways to guide school improvement and daily instructional decisions. I do have several recommendations I’d like to offer. They are:

1. Carefully examine existing requirements and any new regulations through the lens of what best benefits students and drives reform within the school.
2. Work to streamline and fine tune the reporting process while removing redundancies. We are often required to report the same information several different times to several entities (i.e. IDEA, Title I, and our own state divisions). The

data should be able to be managed more efficiently with technology through the use of Student Testing Numbers (STN) collected and managed by the state. Therefore, through the STN, the information should be able to be transferred through the state DOE to the federal educational agencies more efficiently without requiring local districts to duplicate its efforts.

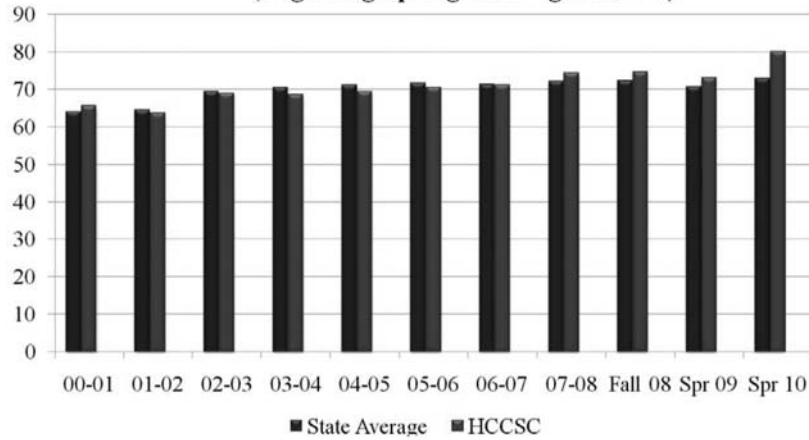
3. Provide support for states and districts to utilize data warehouses that reduce collection and reporting burdens.

Thank you for the opportunity to testify today. I have submitted our academic outcome data for the record. I would be pleased to take any questions.

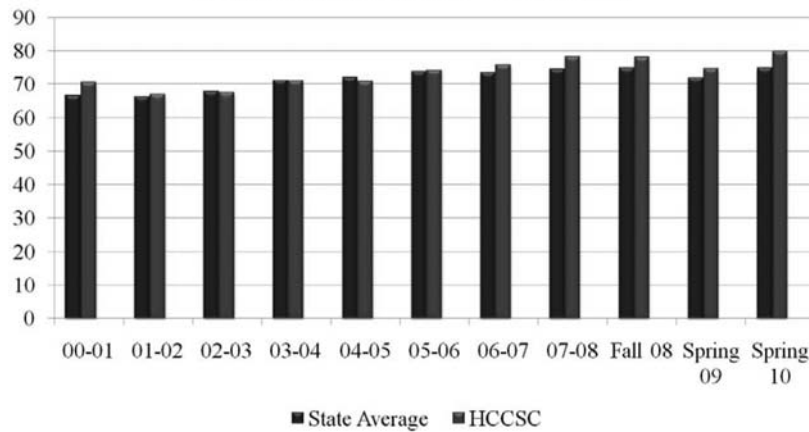
Additional Information:

1. HCCSC's performance on ISTEP+ (Indiana's state accountability test) in English/Language Arts and math. As you can see in the charts, HCCSC has improved its performance in the past several years by focusing on our data and implementing best practice instructional strategies. This data includes students with disabilities and English Language Learners.

**ISTEP+ ELA, Percent Passing Grades 3-10  
(Beginning Spring 2009 – grades 3-8)**

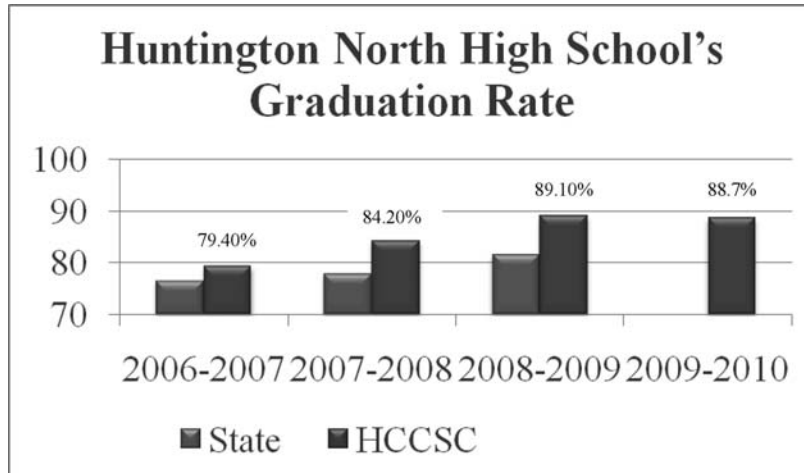


**ISTEP+ Math, Percent Passing Grades 3-10  
(Beginning Spring 2009 – Grades 3-8)**

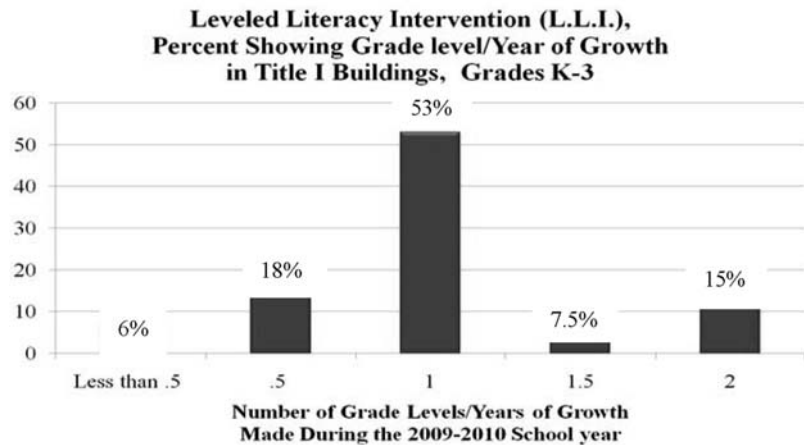


2. HCCSC has one large comprehensive high school, Huntington North High School (HNHS). HNHS has dramatically increased its graduation rate over the past few years by using data to identify and focus on the students most at risk for dropping out of high school. By focusing on this data and implementing best practice strategies in classrooms, a credit recovery program, and an alternative high school

setting, HNHS has achieved positive results. The state of Indiana has not yet released its graduation rate for the 2009-2010 school-year. This data includes students with disabilities and English Language Learners.



3. By using the data to identify those students most in need of support and then implementing effective targeted interventions, like Leveled Literacy Intervention (LLI), students are closing the achievement gap. The chart below shows that a majority of the student in LLI during the 2009-2010 school-year made 1, 1.5 or 2 years growth in one year.



4. The photo below shows an elementary principal conducting a data team meeting with his 3rd grade teachers in front of their Literacy Data Wall. The data shows what students are meeting grade level reading expectations based on the fall, winter, or spring assessments, and which students need further support. Through these discussions, the principal can determine if key strategies are being implemented with fidelity.



[Mr. Grable's additional submission, "HCCSC Strategic Planning Guidebook," may be accessed at the following Internet address:]

*[http://as.hccsc.k12.in.us/modules/locker/files/get\\_group\\_file.phtml?fid=8786884&gid=1577165&sessionid=b5a5cdf10c351bea25da502bda8ce67](http://as.hccsc.k12.in.us/modules/locker/files/get_group_file.phtml?fid=8786884&gid=1577165&sessionid=b5a5cdf10c351bea25da502bda8ce67)*

Chairman HUNTER. Thank you.  
Ms. Marshall?

**STATEMENT OF JENNIFER MARSHALL, DIRECTOR,  
DOMESTIC POLICY STUDIES, THE HERITAGE FOUNDATION**

Ms. MARSHALL. Thank you, Chairman Hunter and members of the Subcommittee. My name is Jennifer Marshall. And I am the director of domestic policy studies at the Heritage Foundation. And the views I express in this testimony are my own and should not be construed as representing any official position of the Heritage Foundation.

A half-century of always expanding an ever-shifting federal intervention into local schools has failed to improve academic achievement. But it has caused an enormous compliance burden. The damage isn't just wasted dollars and human capital that could have been more effectively deployed to achieve educational excellence. It has also undermined direct accountability to parents and taxpayers while encouraging bureaucratic expansion and empowering special interests.

Specifically, we should count the major—the costs of three major areas of compliance with federal policy. First, the proliferation of federal programs and increased federal prescription have created a



confusing policy maze. Even the GAO has a hard time counting up all the education programs.

Using a narrow definition, GAO determined in 2010 that there were 151 K-12 and early childhood education programs in 20 federal agencies totaling \$55.6 billion in spending annually. No Child Left Behind is the most significant, including more than 50 programs under 10 titles running more than 600 pages. NCLB is the A-3 authorization of the Elementary and Secondary Education Act of 1965, which at that time included just five titles and 32 pages.

In 2006, the Office of Management and Budget found that No Child Left Behind cost states an additional 7 million hours in paperwork at a cost of \$141 million. A 2008 Heritage Foundation report found that Title 1 funding is so complex now that no more than a handful of experts in the country clearly understand the process from beginning to end. That complexity means many dollars never make it to the classroom to reach students.

For example, in 2004, about 8.4 million children were eligible for Title 1, Part A. With \$13 billion in funding available that year, each child should have been eligible for something like \$1,500. Yet in a State like Florida, funding amounted to, on average, just \$554 per student.

The Obama administration's Race to the Top initiative shows the compliance burden that results each time a new strategy emerges from Washington. Forty-one states exerted enormous energy to apply for the \$4.35 billion in federal funding. But just 11 states ultimately won Race to the Top awards.

Louisiana's application, for example, was 260 pages long with a 417-page appendix. That took time and money that will not be recouped by taxpayers.

Hundreds of pages in the code of federal regulations specify the operation of elementary and secondary education programs with 65 pages of regulations from Title 1 alone. As an example of the complexity, regulations for paraprofessionals dictate that they can have seven specific duties and may not perform duties other than those listed, nor may they perform prescribed duties unless under the direct supervision, as defined in the regulations, of a teacher who meets the several requirements of a highly-qualified teacher, also outlined by the regulations.

In addition to complex regulations like these, the Education Department has issued guidance on elementary and secondary education on 100 occasions just since the passage of No Child Left Behind. Second, administrative set-asides and red tape diminish education dollars as they pass through multiple layers of bureaucracy.

A 1999 GAO study of 10 federal programs found that by the time a taxpayer dollar reached a school district, between 1 and 17 percent of the funding had been drained on administration. As an example at the district level, Fairfax County, Virginia, had to set aside a day to train personnel on NCLB requirements. The cost of a single day's training for their roughly 14,000 teachers, 1,000 paraprofessionals and 1,000 administrators was the equivalent of hiring 86 instructional personnel year-round.

Third, the growth of state bureaucracies to comply with federal programs has led to a client mentality, undermining accountability

to parents and other taxpayers. Federal intervention has fueled state bureaucracy.

After the passage of ESEA in 1965, state education agencies doubled in size within 5 years. Today, No Child Left Behind prescribes in great detail how to measure student progress on a specified testing regimen. Each state must complete a consolidated state application accountability workbook. Most states' completed accountability workbooks run about 50 pages long, though some are much longer. For example, Georgia's is 95 pages, and Florida's is 128 pages.

Accountability is certainly important. But accountability to whom and for what? The status quo focuses on fine-tuned aggregate calculations that are most useful for bureaucrats to chart the progress of a school, district or state so they can apply federal carrots and sticks. Calculations like these are not the kinds of information that empower parents. On the other hand, this kind of information and detail does absorb countless hours of compliance calculations by schools, districts and states.

I commend this Subcommittee for renewing attention to a pressing problem in education today. Serious investigation like this into the scope and effects of the federal intervention has not taken place for more than a decade, despite massive growth in the federal role in education. This information is essential to inform policy choices that will restore dollars and decision making to those closest to the student.

Washington's role currently stands in the way of that objective. And the first order of business is to take stock of where we stand.

Thank you.

[The statement of Ms. Marshall follows:]

**Prepared Statement of Jennifer A. Marshall, Director,  
Domestic Policy Studies, the Heritage Foundation**

My name is Jennifer A. Marshall. I am Director of Domestic Policy at The Heritage Foundation. The views I express in this testimony are my own, and should not be construed as representing any official position of The Heritage Foundation.

*Introduction*

Major federal intervention into local schools began with the Elementary and Secondary Education Act of 1965 (ESEA). Since then, a half-century of continually expanding, ever-shifting federal intervention into local schools has failed to improve American academic achievement.

But it has caused an enormous compliance burden, dissipating dollars and human capital that could have been more effectively directed to achieve educational excellence. The damage should be calculated not only in terms of decades of wasted fiscal and human resources and on-going opportunity costs. We must also take stock of how federal intervention has created a dysfunctional governance system that undermines direct accountability to parents and taxpayers, while at the same time encouraging bureaucratic expansion and empowers special interests.

Specifically, we should count the following costs of compliance with federal policy:

1. The proliferation of federal programs and increased federal prescription to leverage "systemic reform" have created a confusing policy maze that only a limited set of experts can navigate.

2. The growth of state bureaucracies to administer and comply with federal programs has given rise to a "client mentality" that undermines effective educational governance and accountability that ought to be directed toward parents and other taxpayers.

3. The administrative set-asides and red tape associated with federal programs diminishes education dollars as they pass through multiple layers of bureaucracy.

I commend this subcommittee and the larger committee for renewing attention to a pressing problem in education policy today. Serious investigation like this into the

scope and effects of federal intervention has not taken place for more than a decade, despite massive growth in the federal role in education. Policymakers need much more information than any of us here today will be able to present. Studies by the Government Accountability Office and others are needed to get a full and updated accounting of the extent and impact of the federal role in schools today. This information is essential to inform policy choices that will restore dollars and decision-making to those closest to the student. Washington's role currently stands in the way of that objective, and the first order of business is to take stock of that obstacle.

1. The proliferation of federal programs and increased federal prescription to leverage "systemic reform" have created a confusing policy maze.

#### *Proliferation of Federal Programs*

Washington's role in education has grown to the point where it is difficult to keep track of all the odds and ends of federal intervention into this or that aspect of education. Programs include things like Women's Educational Equity, the Native Hawaiian Education Program, the Carol M. White Physical Education Program, and the *Challenge* newsletter to spread the word about how to fight drugs and violence in schools.<sup>1</sup>

Even the Government Accountability Office (GAO) has had a hard time counting up all the education programs, or even defining what a federal program is. Using a narrow definition that excludes programs that don't "enhance student learning through school activities and curricula" (which leaves out, for example, food and nutrition programs administered through schools), GAO determined in 2010 that there were 151 K-12 and early childhood education programs housed in 20 executive branch and independent federal agencies, totaling \$55.6 billion in average annual expenditures. According to GAO, 91 percent of these programs are federal grant programs, distributed primarily to state and local school districts. States were eligible for 65 of the grant programs; local districts for 57 programs.<sup>2</sup>

This multiplication of programs means multiple applications, monitoring of program notices, and program reporting. This increases administrative overhead and erodes coherent, school-level strategic leadership based on the needs of individual students.

No Child Left Behind (NCLB) is the most significant of the federal laws affecting K-12 education. Programs funded under NCLB constituted \$25 billion in 2010. NCLB includes more than 50 programs under 10 titles, running more than 600 pages. NCLB is the eighth reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA). The original ESEA included just five titles and 32 pages.

In 2006, the Office of Management and Budget found that No Child Left Behind cost states an additional 7 million hours in paperwork at a cost of \$141 million.<sup>3</sup>

#### *Federal Prescription Increased through "Systemic Reform"*

Between 1965 and the mid-1990s, the federal role in education focused on *compensatory* and *categorical* aid, aiming to supplement resources for specific student populations (e.g., low-income or English language learners) or categorical purposes. In the mid-1990s, the federal role expanded beyond these specific interventions to leveraging system-wide education reform from Washington. This *systemic* or *comprehensive* reform seeks to influence all aspects of the public school system to produce change in all public schools by working top-down from Washington, D.C. No area of education policy is off limits from federal oversight and federal regulation in this model, opening the door to ever-deeper encroachments into and ever-wider compliance demands on local schools.

For example, No Child Left Behind prescribes in great detail the measurement of student progress on a specified testing regimen for all schools and all students. Each state must complete a "Consolidated State Application Accountability Workbook" to explain in great detail how it will meet the law's prescriptive requirements for judging student progress.<sup>4</sup> Most states' completed "accountability workbooks" run around 50 pages long, though some are much longer. For example, Georgia's is 95 pages and Florida's is 128 pages.

Accountability is important, but we also need to ask, accountability *to whom* and *for what*? The accountability prescribed by No Child Left Behind focuses on fine-

<sup>1</sup> See *Guide to U.S. Department of Education Programs, Fiscal Year 2010*, at <http://www2.ed.gov/programs/gtep/gtep.pdf>.

<sup>2</sup> U.S. Government Accountability Office, "Federal Education Funding: Overview of K-12 and Early Childhood Education Programs," GAO-10-51, January 2010, at <http://www.gao.gov/new.items/d1051.pdf>.

<sup>3</sup> *Federal Register*, Vol. 71, No. 202 (October 19, 2006), p. 61,730.

<sup>4</sup> See, for example, Florida's at <http://www2.ed.gov/admins/lead/account/stateplans03/flcsa.pdf>.

tuned aggregate calculations that are most useful for bureaucrats to chart school-wide, district-wide, or state-wide progress—information that is useful for the application of federal carrots and sticks. Calculations like “safe harbor” to account for differences in progress among groups are not the kinds of information that empower parents. On the other hand, that kind of detail does absorb countless hours of bureaucratic explanation and compliance calculations on the part of schools, districts, and states.

That’s characteristic of federal intervention as whole: it is distracting because of the many compliance burdens it puts on states and localities, but it is also detracts from proper accountability to those who have the most at stake in education, parents and other taxpayers.

Case Study in Complexity and Prescription: Title I

Title I of NCLB is particularly complex and prescriptive, leading to many hidden costs associated with program administration and compliance with program stipulations.

A Heritage Foundation report by researcher Susan Aud describes the complexity of Title I funding, noting that, due to the increasing complexity of the funding structure, “it is likely that no more than a handful of experts in the country clearly understand the process from beginning to end or could project a particular district’s allocation based on information about its low-income students.”<sup>5</sup>

Because of the complexity in Title I, many dollars are soaked up in administrative costs and never make it to the classrooms. For example, the report estimates that in FY 2004, there were approximately 8.4 million children in the United States eligible for Title I, Part A. With \$13 billion in funding available in 2007, each child should have been eligible for \$1,500. Yet, in Florida, for example, Title I, Part A funding amounted on average to just \$554 per student.<sup>6</sup>

Title I is a good example of the increasing complexity in federal education funding. Title I, Part A originally comprised just one program, the Basic Grant Program. Today it consists of four grant programs: Basic, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants (EFIG).

There are rules to determine the total grant amount awarded to each state for each of the four programs, using calculations based on the number of eligible children in each state’s local education agencies (LEAs). However, the rules for determining eligibility are not uniform across the four programs of Title I, Part A.<sup>7</sup>

Concentration grants are supplemental to the Basic Grant. In order to be eligible for the Concentration Grant, “an LEA must have at least 6,500 eligible students, or else 15 percent of the total number of students must be eligible.”

The Targeted and EFIG grants are more complex. A complicated system of weights is applied to determine eligibility. For the Targeted grant, the weights are determined by four thresholds, with five weighting categories for each of the four types of thresholds, as well as “different weights for the percent calculations versus the number-of-children calculations.”<sup>8</sup> Additionally, the rationale for the weights is not completely clear in the legislation.

Determining eligibility for the EFIG is even more complex—including 60 weighting categories—and incorporates not only weights but an “equity factor” for each state.

The kind of complexity we see in just NCLB, Title I, Part A illustrates the overall problem we have today with education resources lost on deciphering, applying, and reporting on federal program specifics.

#### Case Study: Race to the Top

The Obama Administration’s Race to the Top (RTTT) competitive grant program offers a recent example of the compliance burdens that result each time a new strategy emerges from Washington, D.C. Although 41 states exerted enormous energy to apply for \$4.35 billion in federal funding (a “small” program compared to Title I at

<sup>5</sup>Susan L. Aud, “A Closer Look at Title I: Making Education for the Disadvantaged More Student-Centered,” Heritage Foundation *Special Report* No. 15, June 28, 2007, at <http://www.heritage.org/Research/Reports/2007/06/A-Closer-Look-at-Title-I-Making-Education-for-the-Disadvantaged-More-Student-Centered>.

<sup>6</sup>Ibid.

<sup>7</sup>Another criticism is that “a uniform number for an entire state” is calculated, instead of “taking into account urban, rural, [and] cost of living” differences. The grant program also contains “hold-harmless provisions,” guaranteeing districts with a certain level of poverty funding the next year, regardless of whether poverty levels decrease year to year. Also, because due to the way funding amounts are calculated, “small states . . . receive a much larger amount per child than larger states, regardless of socioeconomic status.” Aud, “A Closer Look at Title I,” p. 3.

<sup>8</sup>Ibid.

\$15 billion), just 11 states ultimately won RTTT awards. Many states' grant applications totaled hundreds of pages; some states even sent representatives to Washington to give presentations on why their state deserved the additional funding. Florida's Race to the Top application, for example, totaled 327 pages and included a 606-page appendix. Illinois' application was 187 pages plus a 644-page appendix, and California submitted an application totaling 131 pages in length with a 475-page appendix. Some states submitted lengthy applications without receiving awards. Louisiana, for example, submitted an application totaling 260 pages with a 417-page appendix. The significant amount of time and money expended on the state's thorough grant application will not be recouped by taxpayers.<sup>9</sup>

#### Not Just Legislation: Regulations and Guidance

Education regulations can be found in Title 34 of the Code of Federal Regulations. Hundreds of pages are dedicated to specifying the operation of the Department of Education's elementary and secondary education programs. The Title I program has 65 pages of regulations to accompany it, prescribing everything from setting and measuring progress on academic standards, to outreach to parents, to identifying "highly qualified teachers."<sup>10</sup>

The complexity of these regulations is illustrated by the section that describes the duties of a paraprofessional. The regulations dictate that a paraprofessional can have seven specific duties and may *not* perform duties other than those listed. Furthermore, the paraprofessional may not perform his or her duties unless under the direct supervision of a teacher who meets the several requirements of a "highly qualified teacher," as outlined by the regulations. The regulations also provide three components of what "direct supervision" means.<sup>11</sup>

More than 60 pages dictate the operation of federal Impact Aid, defining each step from the application process to the distribution of funds. The regulations include how the Secretary determines the "timely filing" of an application and how local education agencies are to "count the membership of . . . federally connected children."<sup>12</sup>

In addition to regulations, the Education Department has issued guidance on elementary and secondary education on 100 occasions since the passage of No Child Left Behind.<sup>13</sup>

2. The growth of state bureaucracies to administer and comply with federal programs has given rise to a "client mentality" that undermines effective educational governance and accountability that ought to be directed toward parents and other taxpayers.

Federal intervention beginning in the mid-1960s has shifted state education systems' orientation toward this new funding source and led to increased state education bureaucracy.

Before the 1965 passage of ESEA, the role of state departments of education varied according to each state's need. ESEA converted them into a network of state education agencies (SEAs) charged with disseminating federal grants to local districts and implementing federal education policy. A massive growth in state education bureaucracy followed: between 1966 and 1970, Congress appropriated \$128 million for SEAs, and their staff doubled during that period.<sup>14</sup> Growth in the last half-century has been dramatic: in the early 1960s, just 10 state education agencies had more than 100 employees. By 2002, five state education agencies had more than 1,000 employees.<sup>15</sup> Federal funding significantly underwrites state-level education bureaucracy. In fiscal year 1993, 41 percent of SEA funding came from the federal government.<sup>16</sup>

Administrative bloat resulting from federal regulations does not stop at the SEA level; it trickles down to the school level. Trends since the 1950s indicate that the

<sup>9</sup>U.S. Department of Education, Race to the Top Fund, States' Applications, Scores and Comments for Phase I, at <http://www2.ed.gov/programs/racetothetop/phase1-applications/index.html> (March 10, 2011).

<sup>10</sup>Code of Federal Regulations, Title 34, pp. 455–520, at [http://www.access.gpo.gov/nara/cfr/waisidx\\_10/34cfr200\\_10.html](http://www.access.gpo.gov/nara/cfr/waisidx_10/34cfr200_10.html) (March 9, 2011).

<sup>11</sup>Code of Federal Regulations, Title 34, p. 503, at [http://edocket.access.gpo.gov/cfr\\_2010/julqtr/pdf/34cfr200.59.pdf](http://edocket.access.gpo.gov/cfr_2010/julqtr/pdf/34cfr200.59.pdf) (March 9, 2011).

<sup>12</sup>Code of Federal Regulations, Title 34, pp. 524–586, at [http://www.access.gpo.gov/nara/cfr/waisidx\\_10/34cfr222\\_10.html](http://www.access.gpo.gov/nara/cfr/waisidx_10/34cfr222_10.html) (March 9, 2011).

<sup>13</sup>"Significant Guidance Documents," at <http://www2.ed.gov/policy/gen/guid/significant-guidance.doc>.

<sup>14</sup>Department of Health, Education, and Welfare, Office of Education, "State Departments of Education and Federal Programs: Annual Report Fiscal Year 1970," pp. 1, 4.

<sup>15</sup>Fred C. Lunenburg and Allan C. Ornstein, *Educational Administration: Concepts and Practices*, Fifth Edition (Belmont, CA: Thompson/Wadsworth, 2008).

<sup>16</sup>U.S. General Accounting Office, "Education Finance: Extent of Federal Funding in State Education Agencies," GAO/HEHS-95-3, October 1994, p. 2.

number of teachers as a percentage of school staff has declined significantly. In 1950, more than 70 percent of elementary and secondary instructional staff was composed of teachers; by 2006, teachers made up just slightly more than 51 percent of public school staff. Administrative support staff increased from 23.8 percent to 29.9 percent during that same time period.<sup>17</sup>

Another problem with this bureaucratic bloat is the fact that the proliferation of federal programs seems to be reflected in a lack of integration within the program-oriented divisions of state education agencies. Similarly, local administrative staff seem to operate in silos when it comes to federal programs. As a 2010 GAO report noted, “Of the district staff who had administrative responsibilities, two-thirds reported administrative responsibilities for only 1 [program]; few staff had responsibility for more than 3 programs.”<sup>18</sup>

In this way, federal programs detract from integrated, strategic education leadership at the state, local and building level.

3. The administrative set-asides and red tape associated with federal programs diminishes education dollars as they pass through multiple layers of bureaucracy.

The federal Department of Education has spent the past three decades taxing states, running that money through the Washington bureaucracy, and sending it back to states and school districts. But for 30 years, this spending cycle has failed to improve education.

A dollar gleaned from state taxpayers and sent to the federal Department of Education is then sent, through complex funding formulas or grant programs (see the Title I discussion above), back to state education agencies. SEAs in turn send that money to local education agencies, which in turn send that money to individual schools. Each step along the way diminishes the funds available to local schools as a result of administrative set-asides and other spending. By one 1998 estimate, between just 65 to 70 cents of every dollar makes its way to the classroom.<sup>19</sup>

A 1999 GAO study of 10 specific federal programs found that by the time a “federal” dollar reached a local school district, between 1 to 17 percent of the funding had been drained on administration. GAO found that “Overall, 94 percent of the federal education funds received by the states for these 10 programs [studied] was distributed to local agencies such as school districts. If the \$7.3 billion appropriation for the Title I program is excluded, the overall percentage of funds states allocated to local agencies drops to 86 percent.”<sup>20</sup>

The same 1999 GAO report found that “too much federal funding may be spent on administration and that school personnel are incurring ‘hidden’ administrative costs as they spend time fulfilling administrative requirements related to applying for, monitoring, and reporting on federal funds.”<sup>21</sup> The report noted the difficulty in determining what constitutes administrative activities because “what is considered administration varies from program to program.”<sup>22</sup>

Even the federal funds that reach school districts are not immune from the administrative compliance burden. Reports from school districts provide real-life examples of the administrative burden felt from heavy-handed federal regulations. A Fairfax County, Virginia, school district, for example, noted:

“The school division lengthened the standard teacher contract from 194 days to 195 just to allow for extra [NCLB] training time. The cost of setting aside a single day to train the roughly 14,000 teachers in the division on the law’s complex requirements is equivalent to the cost of hiring 72 additional teachers. The law also affects paraprofessionals: an extra day’s training equates to the cost of hiring about ten additional instructional assistants. There are roughly 1,000 administrators who require training as well. A day’s training represents the cost for four additional assistant principals. Thus, each day out of the year that is set aside to explain the law results in a missed opportunity to assign 86 instructional personnel year-round

<sup>17</sup> U.S. Department of Education, National Center for Education Statistics, “Digest of Education Statistics, 2008,” at [http://www.nces.ed.gov/programs/digest/d08/tables/dt08\\_080.asp?referrer=list](http://www.nces.ed.gov/programs/digest/d08/tables/dt08_080.asp?referrer=list) (March 10, 2011).

<sup>18</sup> U.S. General Accounting Office, “Federal Education Funding: Allocation to State and Local Agencies for 10 Programs,” GAO/HEHS-99-180, September 1999, p. 25, at <http://www.gao.gov/archive/1999/he99180.pdf>.

<sup>19</sup> *Education at a Crossroads: What Works and What’s Wasted in Education Today*. Subcommittee Report. Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce. U.S. House of Representatives. One Hundred Fifth Congress, Second Session (July 17, 1998), at <http://www.eric.ed.gov/PDFS/ED431238.pdf>

<sup>20</sup> Ibid.

<sup>21</sup> U.S. General Accounting Office, “Federal Education Funding: Allocation to State and Local Agencies for 10 Programs.”

<sup>22</sup> Ibid.

to interface directly with the community's children and work directly to address their academic needs."<sup>23</sup>

The administrative compliance burden siphons resources that should be directed to students. Moreover, it is unclear whether the reports required of states are always used in a meaningful way by the U.S. Department of Education. During a lecture delivered in April, 2007 at the Heritage Foundation, then Rep. Pete Hoekstra (R-Mich.) recalled his visits to the U.S. Department of Education as chairman of a House subcommittee on oversight and investigations:

"We'd knock on doors, asking, 'Do any of you read the reports? Who reads these reports and this paperwork that comes back from the states, and who issues these rules and regulations? Have you ever been to Colorado? Is there anybody here from Michigan?'—you'd have to go through the building for a while before you'd find somebody—'And is anybody here from the Second Congressional District of Michigan?' No, but they're putting together all these mandates and requirements without knowing the parents, kids, school boards, or the economic conditions of the people that they're writing all these rules and regulations for."

#### *Conclusion*

The federal role in education has created an enormous compliance burden for states and local schools. Some of this can be quantified in terms of paperwork, time, and resources. But the cost of compliance should also be calculated in terms of the erosion of good governance in education. The proliferation of federal programs and the ever-increasing prescription of federally driven systemic reform distract school-level personnel and local and state leaders from serving their primary customers: students, parents, and taxpayers. The status quo engenders a client mentality as officials at the state and local level are consumed with calibrating the public education system to Washington's wishes. To succeed, education reform must be more accountable directly to parents and taxpayers.

Chairman HUNTER. Thank you, Ms. Marshall.

Thank you all for your testimony.

I am going to start out by talking about—I guess, Mr. Grimesey, you mentioned one concrete example of how paperwork makes you more inefficient—I mean, less efficient and takes time and resources from what you really need to be doing, which is making our kids successes. What are some more examples, concrete, no-joke examples of paperwork requirements that are redundant and duplicative and time-consuming and, in your opinion, may not be needed?

Mr. GRIMSEY. The most recent example—and when our staff was invited late last week to pull this together, we had to think of the most immediate examples, Mr. Chairman. The expanded civil rights data collection process that was implemented in the past year required over 100 man-hours to collect information, which, you know, given the desired outcome, was certainly worth our while.

Our problem was that it was information that had already been reported to our SEA and simply had to be repackaged. This would be a classic example of duplication where every moment that we put into that was information that we had, just in a different form. It had to be repackaged, collected in a different way and sent back. That would have been a good example of USDOE and SEA articulation that could have resulted in less impact at the local level.

The other one that we are currently working through is some—a new interpretation of data that needs to be collected on our efforts to help special needs students transition into adult life fol-

<sup>23</sup>"The Cost of Fulfilling the Requirements of The No Child Left Behind Act for School Divisions in Virginia and Report to the Governor and General Assembly on the Costs of the Federal No Child Left Behind Act to the Virginia Department of Education," Virginia Department of Education, September 2005, at [http://www.doe.virginia.gov/federal\\_programs/esea/reports/appendices\\_cost\\_fulfilling\\_requirements.pdf](http://www.doe.virginia.gov/federal_programs/esea/reports/appendices_cost_fulfilling_requirements.pdf).

lowing their departure from school. We are now trying to sort out how we are going to go about expanding personal contacts with all graduates beyond graduation. That includes those that left us in 2010 as well as 2011.

Our success is being evaluated based on the total number of completed surveys we get from these students, needing to track them down, needing to document that we made at least four attempts to find them. Again, there is no quibble with the outcome. There is no quibble with what we are trying to accomplish. We just don't have enough people to do these things. We don't have people to just spend time trying to track these individuals down. I will stop there, Mr. Chairman. So if you would like me to—

Chairman HUNTER. Let me ask you this because you probably have a central office. And you have all of your schools. What is the impact on your individual schools compared to the impact on your clearinghouse office, if you will?

Mr. GRIMSEY. In the case of—let us just follow-up with the transition program, which we support in theory. I asked our director of special education—you know, with the help of Title 6(B) money and our local match, we employed last year a transition specialist. So we added a staff member to make sure that we could comply.

Again, since the aim was good, we don't mind having a transition specialist. But I asked her point blank on Friday afternoon as I was preparing—and she was describing some of the requirements that come with this position. I said, "What percentage of this individual's time is devoted to the service of the students for which this individual was hired? And what percentage of this time does this individual devote to making sure we comply with all the requirements associated with that money?" And the breakdown was 15 percent in service to students and 85 percent in service to regulatory compliance.

Chairman HUNTER. That pretty much states it well.

Mr. Willcox, kind of same question to you, as the last question to Dr. Grimesey, is where do you feel that burdensome regulatory pinch the most. Is it in your main office? Do your teachers feel it more? Do your individual schools? How would you place it?

Mr. WILLCOX. I would say it is pretty evenly shared. Our home office, our centralized office, if you will—we call it the home office—bears the brunt of this. But for the example I mentioned before around Title 1, these are things that must be done at the school site. The principal and the teachers and the coaches are the folks that know where time is being spent and therefore, are the ones that need to report out against how that time is being spent to meet the requirements of reporting. So I would say it is an equally shared burden.

The only other example that I would share with the Committee is we recently were honored to be selected to participate in the charter school expansion program, a federal grant program that is going to help us open more schools across California in the neediest communities. And part of our grant application for that program we budgeted for a full-time person just to maintain the reporting requirements that are associated with that program because we know that the team that we have today won't be able to keep up



with the requirements. And it is important for us to be able to access those funds to open new schools.

Chairman HUNTER. Thank you both. And you happened to end perfectly on time, which is good, I think, for me.

Mr. KILDEE?

Mr. KILDEE. Thank you very much, Mr. Chairman.

Mr. Grable, prior to NCLB, states and districts reported the student achievement data based upon the average across the board. I think Jack Jennings and I, prior to 1994, played around with the word, "disaggregate." It was being used by other professionals at the time. But NCLB really insisted upon that.

The process prior to that of just going across the board for the whole student body hid the actual data on student performance and achievement gaps and allowed the under-performance of groups of students to go unnoticed. Do you agree that this disaggregation of data required by NCLB led to more accountability in the system and allowed your district to better target resources for the students who are most in need?

Mr. GRABLE. Absolutely. Jim Collins states that, organizations only improve where the truth is told and the brutal facts confronted. Those brutal facts come from disaggregating data. And we were able by disaggregating our data to meet federal requirements to better identify the students that really needed the support and then target the support to those students.

Mr. KILDEE. So you think it has—and we have various subgroups, and those subgroups have, very often, devised some means to break through some of those learning problems or some of the deficiencies they may have, economically, belonging to a minority group, maybe some of the biases that have led to a certain status in their performance. Do you feel that that separation and making sure that subgroup is given some special attention, maybe special methods of reaching them, has been helpful?

Mr. GRABLE. Absolutely. You have to look at every group. And that is part of disaggregation. Look at all of your data. Look at your sub-groups. And you even go above and beyond the subgroups. You know, we are looking at gender. We are looking at the subgroups in even smaller, fine-grained pieces. That is the heart of RTI. It is early identification and early intervention for those students. So the schools we brought out of corrective action—one was for special education students, and one was for free and reduced lunch students.

So by disaggregating that data and targeting the resources to meet the needs of those students, we were able to pull them out of corrective action. But again, it goes back to having the data available and disaggregating it to find out which students needed what supports.

Mr. KILDEE. You find that within those subgroups that all, most of the students remain in that subgroup throughout, or are some able to move up from that subgroup, maybe to a different subgroup, because of some of the special methods we use in reaching them?

Mr. GRABLE. Free and reduced lunch is based off of the parents' income. So, I mean, a lot of times their student achievement, obviously, increases. But their subgroup may not change. Special education—it depends on the identification of the student. We have

had a limited number of students that have transitioned out of special education because they have made enough gains. But typically, they are always going to have that disability. They just find ways to work around the disability and ways to perform. That is our job, to help them, give them strategies and meet their needs, to meet their disability. And that is part of the process.

Mr. KILDEE. So then your disaggregation data really pushes you to find the best way to reach that student to help that student grow? You talk about growth models. Do you see some growth within those subgroups?

Mr. GRABLE. You have to know where they are to know where to take them next.

Mr. KILDEE. Ms. Marshall, I appreciated your testimony because all are worried about asking and asking and asking for things that aren't really going to be used sometimes. Right? But yet we know knowledge is power. Could you comment on how we can balance this to make sure those subgroups are reached without imposing just questions for needless, unused data?

Ms. MARSHALL. So I suppose it all goes back to our philosophy of what kind of accountability we are looking for here, asking the basic questions, accountability to whom and for what. What is the most powerful kind of accountability in education? And we believe that it is accountability directly to parents and taxpayers. To the degree that the federal role in education intervenes in a way that disrupts that direct accountability, it hinders the most powerful force for educational accountability.

So the ultimate kind of disaggregation of data would, of course, be individualized data sent right to parents and taxpayers. And I was glad to hear Mr. Grable talking about many of the ways that they have real-time access by parents to the data for their students. That is probably the most important thing that his school and school system do, is directly inform parents. How can we take off the layers of federal and state bureaucracy so they can focus on doing that, specialize in getting them the information they need so those closest to the child can make the decisions necessary for that particular child's needs?

Mr. KILDEE. Thank you very much. I appreciate both your answers. And they differ a bit, but they complement one another also. Thank you very much.

Chairman HUNTER. The chair thanks the ranking member.

And I would now like to recognize the chairman of the full Education and Workforce Committee, Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman.

Thanks to the witnesses. A great panel.

We are looking at the reauthorization of the Elementary and Secondary Education Act in some form or another. We are probably going to break that down into pieces.

And clearly, one of the things we have got to understand, Ms. Marshall, as you said, is what is the scope of the challenge out there in some of these areas. And we have heard now on a couple of occasions that the paperwork burden, just compliance, to use the word that a couple of you have, is pretty daunting.

In fact, Dr. Grimesey, you said that some of these programs you don't even bother with because the benefit isn't worth it. You don't

have enough staff. It is just not enough return on the investment of time and your other resources.

What do you want us to do about that? What would you like to see Congress do?

Mr. GRIMESEY. Thank you, Chairman Kline. And I do appreciate the opportunity to clarify to you that I do know the difference between you and Chairman Hunter. [Laughter.]

I meant that as a compliment earlier.

Mr. KLINE. I am the old guy. That is the difference.

Mr. GRIMESEY. After I met him, I knew I had complimented you. We just recently, just about two weeks ago, I had received a letter and then a phone call from a representative from the Western Educational Lab on behalf of—contracted with USDOE to request a random sample of school divisions to participate in an extra layer of data reporting related to ERA-funded programs. The key word in the letter I received was optional. And I was courteous when I received the phone call, but I surprised the caller by indicating that I was exercising our right to opt out of the program.

And that really hurt me as a professional because it is in our DNA to want to provide information to help others learn to help us. And I have just been real impressed with Mr. Grable's remarks today because I couldn't concur more. I couldn't say the same things any better than he has.

We have seen distinct benefits from a number of the accountability initiatives that the Federal Government has promoted. But at the same time, I am not talking about that. I am talking about what comes down the pike.

We have chosen not to participate in one element of the teacher innovation grant program. We have chosen not to participate in that as we have developed our own evaluation process that does build a closer tie-in between student achievement and teacher evaluation because it had certain elements to it that that were frightening from the standpoint of sustaining our regulatory compliance. I don't know if I am answering your question.

Mr. KLINE. Well, not quite. If I could—I mean, if we are going to take some legislative action here, we are going to write a new law, what would you like to see us do to address this problem that you don't have the resources, you have got programs out there? What do you think we ought to do about that?

Mr. GRIMESEY. I don't know. It is complicated.

Mr. KLINE. Sure enough.

Mr. GRIMESEY. If there was a message I could leave you with today—is that I believe the Federal Government has probably reached the limit of what it can do to promote the kinds of benefits that we have heard from Indiana today and which, if I had prepared differently, I could have given a similar presentation on. What causes us the greatest amount of fear is where are we going to go from here, how much more are we going to expand this.

My most immediate need right now is that the U.S. Department of Education declined Virginia's request to level the arbitrary pass rates for the next 2 years as Virginia attempts to increase the rigor or its curriculum. And our intent in Virginia was to improve student learning by making the curriculum more rigorous, not through arbitrary pass rates.

So if you will permit us, right now in Virginia, our major concern is the arbitrary pass rates. And we need immediate regulatory relief from those.

Our hope is that while Congress debates grand reforms, that we would rather see us tweak the current system, not to take away the benefits that Mr. Grable has described, but to not make this—not let this thing get worse than what it is right now. So forgive me for dodging the question.

Mr. KLINE. Kind of a “do no harm.” You are ready for this side of the—thank you. Thank you very much for that.

Mr. GRIMESEY. No threat.

Mr. KLINE. I am going to stop. I am going to run out of time.

But, Mr. Willcox, you are here representing some highly successful charter schools, very successful graduation rates and so forth. And you say that one of the strengths is the flexibility that you have got. And yet, as I understand it, you are not opposed to greater accountability. And I am trying to understand how your support of greater accountability and the burdensome paperwork we have been talking about here and the flexibility that makes you successful—how does that all match up? What kind of accountability are you talking about?

Mr. WILLCOX. Thank you. For us, the two are linked hand-in-hand. As I focused in my comments on the inputs, on how we do our work and how we approach our work, where decision making happens in our school system in exchange for higher levels of accountability. For most states and for California, in particular, where we do our work, we sign up for a greater level of flexibility and an outcome. So the accountability is focused on outcome for students over a period of time. For us, it is typically over 5 years.

That outcome is to deliver high levels of student achievement. In exchange, we get more decision making for our administrators, for our teachers, for our schools on the how, on the inputs and what happens inside of our schools. That is what I was referring to.

Mr. KLINE. My time has indeed expired.

I yield back, Mr. Chairman. Thank you.

Chairman HUNTER. I thank you for the opportunity for letting me gavel down my own chairman. [Laughter.]

Ms. Hirono?

Ms. HIRONO. Thank you, Mr. Chairman.

I note with great interest our witness, Mr. Grable, saying that what gets measured gets done. And I thought that was a really positive way to look at how we can use the information and the data that we collect.

Mr. Willcox said in his testimony that he would assume a posture that recognizes that compliance to regulation takes resources away from students. That seems to set up an either/or kind of a dichotomy.

And, Mr. Willcox, I am sure that you are not saying that data collection is not important and that it—that data should be used to inform decisions on what is best to enable a student to learn. So I hope that I am not taking, what you are saying in a way that you didn’t intend.

Mr. WILLCOX. And definitely not. We are data junkies, if you will, at Aspire. We collect data on everything that we possibly can so

that we can make better decisions. The point I was trying to make and I hope is clear is that we are definitely supportive of and would never argue against data collection around what it is we are trying to achieve. The data collection around the how and the inputs of how we are achieving it is the data collection that I am referring to. And sometimes that is critically important.

I think the message that I hope everyone would leave from our organization's perspective is that the posture on data collection around the how should be—the posture should be, is this going to take away from the what, is this going to take away from what we are trying to achieve. And if it is, let us figure out a way that we can moderate that cost, not around the—not around the outcomes at all.

Ms. HIRONO. Yes, thank you. I think we are in agreement that data collection is very important, not just for the sake of data collection, but, as I said, to really inform how best to enable our students to learn.

Mr. GRABLE, you described your district as a Pre-K-12 district. And I find that really important because there are many of us, including myself, who are champions of quality early education. And in checking your Website, I note that you place a special emphasis on making sure that there is access to quality early education in some of your—some of the schools with your low-income schools where presumably the need is great. So can you tell me a little bit about how you, make these priority decisions in terms of access to quality Pre-K?

Mr. GRABLE. We currently have Pre-K programs in three of our buildings. And they are three of our four highest socio-economic need buildings. They are a combination of special education preschool and like peers. So the decision is where is the need and how can we service the most of our students.

Ms. HIRONO. I take it that you have concluded that when you provide resources for quality early education, that you certainly set the stage for school success for these children moving forward.

Mr. GRABLE. Absolutely. We see a huge difference in students that participate, especially participate in literacy-based pre-schools. We see a huge difference in those students as they enter kindergarten. And we also offer full-day kindergarten for all of our students. We also think that early childhood piece makes a huge difference, then, as the kids transition into elementary school.

Ms. HIRONO. The president's budget includes \$350 million for early learning, what he calls early learning challenge funds. I take it that you would support that kind of a federal incentive to enable school districts and states to move ahead with their quality early learning programs.

Mr. GRABLE. Absolutely. Kids need that foundation to be successful, then, later in school.

Ms. HIRONO. We had a hearing a couple of weeks ago where the witness—he was a Republican witness—said that the most important thing we could do to really turn around our education system in terms of dollars put in and the returns that we get is pre-k, pre-k, pre-k, which I was very gratified to hear. I am wondering whether the other two educators sitting to the right of you also agree

that emphasis on quality early education and support for that are really foundational. Briefly.

Mr. GRIMSEY. Can't argue with that, Congresswoman.

Ms. HIRONO. Great. Thank you.

Mr. WILLCOX. Would not argue with it at all.

Ms. HIRONO. Okay.

Ms. Marshall, you talked in your testimony about the problems surrounding, as an example, Title 1 funds. And you note that in Florida, each child should have received \$1,500, but only received \$544, by your reckoning. And a 2009 report from the Department of Education indicates that districts spent an average of about 10 percent of Title 1 funds on administration. And your testimony indicates that that is not what happened in Florida.

And so, you said that Title 1 dollars never make it to the classrooms, and yet 90 percent of Title 1 dollars really do go to the classrooms. So could you submit for the record your methodology for determining the numbers that you provided in your testimony?

Ms. MARSHALL. We will be happy to submit that paper for the record.

Ms. HIRONO. Thank you.

Is my time up?

Chairman HUNTER. Yes, it is.

Ms. HIRONO. Yield back. Thank you.

Chairman HUNTER. The gentlelady's time is expired.

Ms. HIRONO. Thank you, Mr. Chairman.

Chairman HUNTER. Thank you, Ms. Hirono.

Mrs. Biggert?

Mrs. BIGGERT. Thank you, Mr. Chairman. I am sitting here with all the things that I think I need today: paper—and if that is not enough, I have got an iPad. If that is not enough, I have got a BlackBerry. And last of all, I have got a phone, just so I can get further information. And I think that is what you are going through, too.

And so, my question is, first of all, how can the states and the feds work together to ensure that there is not the duplication. And if there had been any—if we are going to ask for something, that it can be incorporated with state or do the same thing, rather than duplicate burden that we are putting on you, and, for example, with the growth model.

And I think that, you know, we are really looking at that and how we can get that information to the parents and get that information, you know, to the community. And yet, we can tell that we will know that there is that link in each student's performance, which is probably the most important, will also go into a data, which we can collect.

And then, my other question is with the paperwork. What about privacy? And how can we, so that there—does there have to be duplication because of certain privacy things that the state has that local school board has and what we are requesting? And then, how could we do away with the paper? And the last question is do you read it.

Dr. Grimesey?

Mr. GRIMSEY. Congressman Biggert, at my level, I have been really excited about the growth model for a number of years,

been looking for this. And then, just like the dog who chases the truck, be careful what you wish for, now that you have got the rear bumper in your mouth. Fido, what do you do with it?

Let me just share what our concern is. And I haven't quite figured out your—an answer for you yet. As we get closer to applying a growth model with some sort of coefficient that demonstrates growth and we drill that down to a student's growth in a given year and the growth of a teacher's classroom, we share that same concern that you have about confidentiality, but even more so, perception.

If we create an arbitrary line and say, 25 percent above gets some rating and the others below get another rating, then, obviously, those that are just below the line get stigmatized. And I can only ask the committee to please take seriously the words of superintendents in your own local districts about what that does to the local culture in those organizations.

I am very fearful of what would happen if 50 percent or 75 percent of my teachers were all high-performing teachers and, depending upon the array of those coefficients, how they would be aligned. I don't have the answer. Orange County isn't in a position to offer that to you. I can only share with you what we are worried about now, even though we are proponents of a growth model.

And I don't know where that goes once the newspapers start listing teachers and indicating who goes where and creating perceptions of how effective those teachers are or aren't as opposed to what we are seeing in the classroom with them. So forgive me for not fully answering it. But I appreciate—

Mrs. BIGGERT. Thank you. But that is helpful.

Mr. GRIMSEY. Yes, ma'am.

Mrs. BIGGERT. Anyone else?

Mr. GRABLE. If I may address the paper issue and the redundancies. And, you know, we are living in the 21st century. We need to work smarter, not harder, and utilize technology for a lot of that. An example would be with our IEPs, we use an electronic IEP process in our state. So all IEPs are done electronically and managed electronically. So it limits the paperwork that needs to be done and housing that.

As far as reporting upwards, we report most of our data through the state through STN numbers, the student testing numbers. And then those are linked with the SPN numbers, which are the teacher identifying numbers. Well, to me, that ought to be able to transition up to the federal level through the same process so it eliminates the redundancies. We are reporting the same information to our states and then turning right around and reporting the same information to the Federal Government. If it flows through the SPN and STN numbers, you ought to be able to do it one time. And again, it is electronically.

Ms. MARSHALL. If I might answer as well. In terms of the federal, states' coordination and so on, I think that the Federal Government has to admit that it is ineffective at systemic education reform. That is the business of states. They are much more effective and efficient at the systemic reform. We see great results coming out of Florida closing the achievement gap there.

In 1965, the Federal Government intervened to—for the purpose of supplying extra resources to those children in need, compensatory education. That role grew in the 1990s to be—to make an effort at systemic reform. Let us try to reform the entire American public education system through this small 10 percent lever. That hasn't happened. We need to return that role to the states.

Mrs. BIGGERT. Thank you.

Yield back.

Chairman HUNTER. Thank the gentlelady.

Mr. Scott?

Mr. SCOTT. Thank you, Mr. Chairman.

You know, I think everybody agrees that we need this information. There is no way that you can do any kind of assessment of students without the data. If it is not disaggregated, the principal wouldn't know which teachers were good or consistently good or consistently bad with certain subgroups. If we don't disaggregate by class, if a school fails, you don't know, where the problem is within the school.

So and then civil rights—there is no way you can do any civil rights enforcement unless you have the data.

Mr. Grimesey, you are a small school division. And you have got to do all this data collection. Do you get any technical assistance on what computer to buy or what software to buy? Or do 15,000 school districts kind of home-bake their own system?

Mr. GRIMSEY. We get guidance from the Virginia Department of Education. We do have a director of technology. And we have a director of testing, assessment and accountability among our small group of people.

Mr. SCOTT. Do all the counties in Virginia have the same computer system and software that is compatible with each other?

Mr. GRIMSEY. Most do. All don't. Some of our larger school divisions have gone their own way. And some of our connecting issues relate to that.

Mr. SCOTT. Well, once you have—some of this data is just statistical. That is you put it in once, and it is there. And if you have to send it out to one group and then have to send the same information to another group, it shouldn't be that hard because a couple of keystrokes, you reformat it and send it, if it is compatible and if the person asking for it has the same computer system the last person asked for. Does the Department of Education make any effort to insist that the information they are asking for can be obtained in a way that is compatible with the last person that asked for some information?

Mr. GRIMSEY. That is currently a matter of vigorous discussion at the meetings at the Department of Education—State Department of Education—is conducting with people in the field in these recent weeks since the January 28th memorandum.

Mr. SCOTT. So Virginia is trying to do it within Virginia. Is there any federal effort to—when we ask for information from several different departments? Is there any effort to make sure that the information can be obtained in the same format?

Mr. GRIMSEY. I can't comment on that, Congressman. I can't give you anything specific on that.



Mr. SCOTT. Would it be helpful if in reauthorizing No Child Left Behind that we insisted that the Department of Education technology department recommend one format for people to send their information in so if some other program gets invented, the information can be obtained through a couple of keystrokes—

Mr. GRIMESEY. Certainly, in my—

Mr. SCOTT [continuing]. Without having to reinvent the wheel every time you ask for information?

Mr. GRIMESEY. Certainly, in my comments about collaboration between the USDOE and the SEAs, I had that in mind. And assuming that it is funded properly, our department of education would be delighted.

Mr. SCOTT. So if somebody needs some information, they can just send it to you—or you can download a program if you have got it. If the information is there with a couple of keystrokes, they can get all of your information. That would be simpler than having you hire a technician to reformat the information and go through all that.

Mr. GRIMESEY. Certainly would help, assuming that it is still okay that we are uploading individual student grades and teacher evaluations, which I have some—

Mr. SCOTT. Well, whatever they have—

Mr. GRIMESEY [continuing]. Philosophical questions about.

Mr. SCOTT. Well, whatever they have asked for, if you are providing it, you ought to. Now, that is for the statistical information.

Mr. GRIMESEY. Yes, sir.

Mr. SCOTT. Now, if you have got to write a monthly essay about what is going on, that is a little different. How do you deal with those?

Mr. GRIMESEY. The closest example that I could cite from one of our elementary schools that has been on school improvement and has met AYP would be my own observations of teachers and principals spending time in school improvement meetings where about 30 or 40 percent of the conversation has to do with how we fill out the form and what are they looking for when we put that anecdotal information in there. They have the conversation about how to improve the children, but then they spend extra time trying to think about how to translate that so that the state and Federal Government be satisfied with the way that they filled out the form and that they expressed what they think they want.

Mr. SCOTT. Well, if you can help us write regulations to simplify that—and, Ms. Marshall, I think, too, that would be helpful.

Mr. GRIMESEY. Our message today is just keep the regulations as few as possible.

Mr. SCOTT. Thank you.

Chairman HUNTER. Thank you.

Mr. Barletta?

Mr. BARLETTA. Thank you.

Mr. Grimesey, over the past month, this committee has heard from a number of witnesses concerning the burdens of federal, state and local regulations on our nation's public schools. As a superintendent since 2001, you can attest of how these regulations have grown over the past decade. I am specifically interested and hope you can shed light on how paperwork requirements have

grown since 2001 and if these requirements have impacted in any way what is being taught in your schools.

Mr. GRIMSEY. That is a good way to frame the question, Congressman. Thank you. I would have to agree with Mr. Grable in terms of what the intent has been all along. I believe that we are having richer conversations about student learning. I believe that we are doing a better job of drilling down and finding individual student needs.

I think that we have come to a place, though, when we start nearing a 100 percent pass rate that there is a misalignment between what we are expecting in terms of what is measurable and what can be published and what people will like to hear as opposed to what children are really doing in classrooms. I would invite the discussion about are we teaching to the test or do we have the ethical question of should we ever teach a child—should we ever test a child on something we didn't teach.

I deviate just a little bit because it is not about so much the physical manifestation of paper as we think about it traditionally. Obviously, we can find computers and have found computers—I don't want to make it sound like Virginia is totally deficient compared to Indiana. We still are addressing these issues.

I think the bigger question is whether or not a pass rate trumps a more rigorous curriculum. I spend a lot of time with local businesspeople and with higher ed. people thinking about what children need to be able to do in this coming century. I have been doing that since the early 1990s, was doing it long before No Child Left Behind.

The whole notion of children learning more as—for being motivated learners as opposed to their teachers being terrified. We use paperwork as a bit of a symbolic representation of what this is about. But the bigger question is what is actually happening behind all these increased pass rates. Do they truly reflect what students should be learning?

I think we probably reached the limit of improved student learning as measured by pass rates. But as we begin to progress out of that, speaking from my own school division, we have got to find a way for children to be able to know more and do more and not just be looking at pass rates. That whole notion of meeting pass rates drives the entire culture.

And I spend as much time trying to make sure that my teachers aren't teaching to the test, if you will, and making sure that instruction is rich. And that is what I am most protective of. The numbers of staff that I have—and we will always keep finding ways to find technology to help us cut corners and try to meet more and more regulations. But, please, ask yourselves if those regulations are important.

Does the state and the Federal Government really need to know the individual lettered grades of our students and—and the individual teacher performance ratings? That is my problem. It is my school board's problem. I don't know that I am going to be a better superintendent because somebody in Washington is asking me to report what I am doing with those teachers. So I thank you for allowing me that opportunity, sir.

Mr. BARLETTA. Thank you. You know, this discussion reminds me so much of the—in the health care bill, the 1099 provision and the unnecessary burden that we were implying onto businesses of paperwork. And I am very proud that this Congress has repealed that provision, recognizing that, you know, how burdensome paperwork can become to, not only a business. But today we are getting an education on how this paperwork is affecting our education and educating our kids, which is the most important principle that we want to do.

Ms. Marshall, in your research, have you come across any specific paperwork requirements that actually help ensure student success in school?

Ms. MARSHALL. I think very broadly, there—you can find useful data within what is collected. The point is what is—and Dr. Grimesey's comments very much get to this point. What culture is all of this creating? And the federal role, the federal accountability mechanism is a very blunt instrument. And to the degree that it dulls other instruments' abilities, those—the instruments of those sitting closer to the student it prevents greater effectiveness of our education system.

So the precision tools that a teacher, a principal can use in diagnosing student progress are much more able to improve education in America than the blunt instrument of federal accountability measures.

Mr. BARLETTA. Thank you.

Thank you, Mr. Chairman.

Chairman HUNTER. Thank the gentleman.

Ms. Woolsey?

Ms. WOOLSEY. Thank you very much.

Ms. Marshall, I think I am quoting you right when you said, "accountability is certainly important," in your testimony. I am unclear what—who you are accountable to when you are a witness today. You work for the Heritage Foundation. You make a statement that you are not representing them today. Your position is not their position.

So where is your expertise? Are you an educator? I mean, where does your expertise come in telling us how to deal with education issues? Or is this a philosophical statement, and you come from a place of opinions that you are passing on to us? I need to know that because I think it is very important in weighing what your testimony is, is it expertise or opinion?

And in that, because what troubles me about your testimony and what I see as the testimony of the Heritage Foundation, is that you suggest that the Federal Government should not—should just give money to schools and that the Federal Government should not require paperwork and data to support that investment, but while at the very same time stating that schools must be accountable to parents. I don't understand how we hold schools accountable, prove their effectiveness without the data and reporting requirements. So that is a many-part question to you.

Ms. MARSHALL. So I trained as a teacher and have great empathy with those who are working in classrooms to improve education in America. I have a great deal of passion and interest in seeing better schools and classrooms across the country. I have been work-

ing on and looking at ESEA for 15 years, a third of the law's life, unfortunate to say that I have been here that long. And what we have seen is an accumulation of more and more programs, more and more spending without an improvement in education.

Ms. WOOLSEY. Well, you said this earlier. So can you tell me, did you write your own testimony? Did you do your own research?

Ms. MARSHALL. I did.

Ms. WOOLSEY. Or did your staff at the Heritage Foundation?

Ms. MARSHALL. It was a team effort, but we all did it.

Ms. WOOLSEY. Yes, but you all did it. So how do you separate yourself from the people you are accountable to because you work for them?

Ms. MARSHALL. I am sorry. These are my words. This is my point of view. And I have done it on the basis of research that we have published at the Heritage Foundation.

Ms. WOOLSEY. We, the Heritage? That is right. Okay. That is good.

So I would like to ask all of you a general question. Let us just pretend we can all agree on the data that we need to collect, the methods, the format for collecting. Would you support what it is going to cost to put this in place to have a compatible system nationwide? Now, you have to assume you like what we are doing. Would you support spending money on making it happen?

Starting with you, Doctor.

Mr. GRIMESEY. Congresswoman, I would always support you spending money on the things I like. [Laughter.]

Ms. WOOLSEY. There you go.

Mr. GRIMESEY. I have never expected to be asked that question when I came to Washington. I think everybody would, too.

Obviously, I was invited here today because I have published articles in the state newsletter. And that got somebody's attention and felt that I could make a contribution today. And hopefully, I have presented myself as an individual who really is committed to the ideal, but who is confronted with the reality. And I have just sought to come today to offer some—just some reports on what we are seeing. I don't come here promising to be the person with the answers. And so, I appreciate the opportunity. Absolutely, if we could have better alignment between USDOE. There seems to be some suspicion on the committee that maybe Virginia is not, you know, applying the regulations the right way.

Ms. WOOLSEY. Normal?

Mr. GRIMESEY. And, you know, I just come with good faith that that—you know, that they are doing the best they can, just pointing out that there can be some work on that. But obviously, yes, if we could come up with clarity. But I would ask Congress to please be cautious with going in a direction where we start really drilling down—

Ms. WOOLSEY. Well, we are assuming—in my question that we all agree. We have agreed to something. See, we do that, and then one-half of the Congress says, well, that is a great idea. We are not paying for it. So then it dies. So would you pay for it?

Mr. GRIMESEY. You go home and say I had one dreamer.

Ms. WOOLSEY. Mr. Willcox, would you pay for—

Mr. WILLCOX. I think an investment in a data system could be a really worthwhile investment if it works. I think my advice would be—humble advice would be to look at large states like California who have tried to do something very similar, to have a data system that captures all of the student information, all of the teacher information. And it has taken us years. And we are still very much struggling with it. So I would say, yes, it is a—it would be a worthwhile investment.

Yes, we could automate a lot of things that are necessary, as long as we don't lose sight of the outcomes-focused posture that I suggested earlier. But I would also suggest just as quickly that we look to the large states to see what they have struggled with so that we don't duplicate those same struggles at a nationwide scale, which would be horrendously complicated and very difficult to extract ourself from.

Ms. WOOLSEY. Thank you.

Chairman HUNTER. Thank the gentlelady.

Mr. Kelly?

Mr. KELLY. Thank you, Mr. Chairman.

And, all the witnesses, I would like to thank you for coming.

I come from the private sector. And I have really found it helpful that you can have an open dialogue with the people that actually do the work as opposed to people who don't do the work and really have never done the work, but establish regulations and rules for you.

And other than coming here today, do you have an opportunity to talk to the people in your state, education departments, or at the federal level on what it is that needs to be measured and how it should be measured as opposed to people—again, I think the recurring theme that I see in this model, government, is that there are unintended consequences and unfunded mandates that add nothing but burden on you that you can't meet and costs that you can't afford. And I am trying to understand do you ever have that opportunity to have that back and forth with the people that are actually making the rules, but have never played the game.

And any of you can respond, or all of you could respond.

Mr. GRIMSEY. Well, Congressman, I will just say that, yes, we do—in Virginia, we have a lot of access to our State Department of Education. And there have been many examples of where localities have offered input that has been taken very seriously by our state superintendent and our state board of education. What we have been referencing today are those conversations we have where both the state and the locality are scratching our heads trying to figure out what the Federal Government wants us to accomplish and how they want us to go about doing it.

Mr. KELLY. So you do it at the state level? But federal level, you don't have that back and forth, that exchange?

Mr. GRIMSEY. The only contact I have had with USDOE officials in the last—I would say, for 10 years—and that is not to say that I haven't tried to call or have been told by—I couldn't—would be the technical assistance workshop for the Race to the Top competition in Minnesota last year.

Mr. KELLY. Okay.

Mr. GRABLE. I echo the same comments. Quite a bit of conversations with our state department and some with our local representatives, but very little with the federal Department of Education.

Mr. WILLCOX. I would say the same thing. We have access to our state department. I think the complexity, at least in our state, is the diversity of our state. We have got large urban areas like many states and lots and lots of rural areas that these needs are just so diverse. So it is not a matter for us, in my opinion, of being able to have a conversation or to be able to express an opinion. It is the reconciliation of all those different opinions across a large group of very diverse places serving very diverse populations with different needs.

Ms. MARSHALL. And, Congressman, from the federal level, I would say that it is difficult to find local perspectives and state information on the compliance burden. And it is something that the Government Accountability Office ought to look into in an updated fashion.

Mr. KELLY. No, you know, I have met with Mr. Dodaro from GAO. And, quite frankly, I don't know how anybody figures out how anything is going on in this country right now. We have over-regulated and over-burdened you so much with unneeded information and continued to do it and then invite you in here and then chastise you for coming in and giving witness.

I have got to tell you. I appreciate what you are doing. I think it is very brave. And, please, don't give up on us. At some point, we are going to get it right. And we are going to be able to educate kids. I don't know how you mandate education. I don't know how you pass a law that says every child must be educated and must reach a certain level.

I have always believed that true education will take place—the child that wants to learn, a teacher that wants to teach and a parent that supports both. My personal opinion is we need to have less government telling you what the rules should be. And they don't know. They have never done it. They have never walked the walk. They have talked the talk. But they have never walked the walk.

So keep up what you are doing. And, in spite of the over-regulation you face and the burdensome data that you have to collect for eyes that may never look at it, thank you for your efforts and what you are trying to do to help our kids and our future. Thank you.

And I yield back.

Chairman HUNTER. Thank the gentleman.

Mr. Platts?

Mr. PLATTS. Thank you, Mr. Chairman.

I want to first thank each of the witnesses for your testimony. I apologize for my late arrival. And I will try not to be repetitive in my question.

First, I want to thank all of you being here and your written testimony, which gives us great resource of information and also, for those of us juggling between different hearings, the chance to get your sentiments even without hearing you here in person. And especially to our administrators, my sincere thanks for what you do every day.

As a product of public education—and I have the privilege of commuting from my home in Pennsylvania every day. So I started

this morning dropping my kids, two middle schoolers, sixth and eighth grade, at the same public middle school, then junior high when I went to that same building and was behind my parents' education, my K-12 teachers and administrators gave me. And now that same school district is giving my kids the greatest blessing I could have got, beyond the home.

I guess the first question is we recently had a hearing on—in a different committee about duplicative programs. And GAO did a study mandated—Senator Coburn led the effort on how we can streamline the process and as it relates to paperwork and the burdensome requirements we place on you.

One of the areas highlighted was more than 80 different teacher preparation programs that we have. And I was wondering if any of you have experiences as administrators or the Heritage Foundation in trying to access for your schools and your teachers any of those teacher prep. programs and looking at, well, you know, we want to do this, but we have paperwork for this program and then another teacher prep. program, additional paperwork.

In other words, it is not just the cost of that duplication, but the burden that—you know, instead of having a streamlined teacher preparation assistance, that we have it over 80 different programs over multiple different departments and agencies, if you have any experience with that and the paperwork that goes with all those different 80-some programs.

Mr. WILLCOX. Our teacher preparation program is a combination of a lot of things, traditional things that you would expect—supporting teachers to clear their credentials once they have graduated from a credentialing program. Most recently, we started a teacher residency program across our system of schools. And that program we have high hopes for. We have high hopes that we will be able to continue with it.

Mr. PLATTS. I take it by the hesitancy that you are not necessarily accessing any of the 80-some programs that are out there, which maybe is good in that you are not spending that money. But it also means maybe there are programs that would benefit your districts that you are not aware of, even though we have 80-some different programs.

Mr. GRABLE. Are you referring to pre-service teacher programs?

Mr. PLATTS. No. They run the gamut. There are nine alone in science, technology, engineering, math—that focus on.

Mr. GRABLE. Okay.

Mr. PLATTS. But nine different programs instead of one. And so, when we talk about paperwork, that means we have nine different administrative requirements to access funding for the same issue within the Federal Government. So appreciate that you are not familiar with that.

Mr. GRIMSEY. Congressman, the only thing I could add to that is that much of that money flows through the state. And then the state creates both pre-service and in-service opportunities that aren't always clear to the localities. That would be more of an SEA, USDOE program.

All we know is we are told that this program is available. And we do take advantage of multiple programs, particularly for expanding the certification opportunities for teachers, teachers that

are certified in one area and there is a high need that we have and the state recognizes that, then provides an opportunity for teachers to get multiple certifications, for example, in special education or math and science.

Mr. PLATTS. Right. I am going to run out of time. Quickly—and I apologize again. This may be repetitive. The number one area of paperwork or regulation that you would want us to make sure we are looking closely at—I think I know what the answer probably—or may be from my own districts. But if you want to highlight a certain area of regulation within education law that we should look at streamlining what we require of your districts.

Mr. GRABLE. I don't know that I could identify one. It would be redundancies in all of them. I mean, there are redundancies in IDEA, in Title 1, High Ability, ELL. I mean, there are just redundancies throughout all of them that could be streamlined.

Mr. PLATTS. The reason I say I would guess is back home, IDEA is where I hear the most concerns and maybe especially from the classroom teachers and the paperwork associated with simply doing the job. I have seen it as a parent. Both of my children have been in gifted programs, so it is from a different side. But—

Mr. GRABLE. Again, I shared earlier that our state uses an electronic IEP format. So that creates efficiencies and reduces a great deal of that paperwork and inefficiencies that some may experience.

Mr. PLATTS. Okay. Thanks again for your testimony and your work with—on behalf of our nation's children.

Yield back, Mr. Chairman.

Chairman HUNTER. Thank the gentleman.

I would once again like to thank the witnesses today. Really appreciate it. Appreciate your forthrightness and your testimony.

And in closing, I would like to recognize the ranking member from Michigan, Mr. Kildee.

Mr. KILDEE. I thank you.

First, I would like consent to submit about two pages of additional testimony.

Chairman HUNTER. Without objection.

Mr. KILDEE. And thank you very much, Mr. Chairman. We have had a very good panel here. I think there is agreement and some differences. But I think all of you have a passionate belief in good education.

And, Mr. Chairman, you have put together a very good panel. And you have conducted a very good hearing. And as a former teacher, I, therefore, give you an A+. [Laughter.]

Chairman HUNTER. I appreciate it. But is that under a growth model or—where did I—I don't know where I started at. Thank the gentleman.

You know, I would like to say this seems more in a technical realm we could have this hearing with some very smart information systems, maybe some librarians, some people who catalogue data for a living, data about data and data about the data about the data, et cetera, all the way down to infinitesimal points, which we have to be able to bring out. One thing I don't really understand is this is all stuff that is being done in industry. It is being done in the NFL. I mentioned it before.



When you watch a football game, you have information about a football player down to Pop Warner. And all of this information is assembled over a lifetime. And it is put together. And it has metadata, which is able to call it out and the way that queries are written.

What I don't understand, I guess, and it is going to be our job to look at this or the states' jobs to look at this, is if you put data into a repository—I used to do databases. I used to do programming database management, all kinds of stuff that was not as fun as sitting right here. But it is doable. And everybody else does it.

And you all talk about you sending information to the state, to the Federal Government. Well, when in reality, I think it is incumbent upon those people that want your information to reach out and grab it. And that is very doable, is it not?

Would you agree that that is doable, to reach out and grab the information from you? So I think we need to look at it like that, if anything. It is incumbent upon the people that want to get at your data. It is not your job to manufacture ways and contrivances to get that data out. If the Federal Government wants to know some information, even if they don't need it—let us say they just want to know about it—or states want to get at some information, well, you all have already compiled that in whatever format you have. And it is very simple to make that, as Mr. Scott said, workable with any type of a query for any type of a database.

Anyway, that is something that we need to work on. But I think you all agree that the Federal Government is onerous sometimes. But, as Mr. Grable said and all of you attested to, it is still needed in some ways to ensure that we do really push our children towards success. But there has to be a limit. And right now, there isn't one. And that is what we are here to fix.

So with that, thank you. There being no more business to discuss, the committee stands adjourned.

[Whereupon, at 11:33 a.m., the subcommittee was adjourned.]

