

**Remarks delivered to the U.S. House Committee on Education and the Workforce
by the Hon. Bob Schaffer, Chairman of the Colorado State Board of Education
regarding the *Student Success Act* (H.R. 3989),
and the *Encouraging Innovation and Effective Teachers Act* (H.R. 3990).
Thursday, February 16, 2012 at 10:00 a.m.
2175 Rayburn H.O.B., Washington, D.C.**

Mr. Chairman and Members of the Committee, thank you very much for your kind invitation to be here today and to comment on proposed legislation as it relates to reauthorizing the Elementary and Secondary Education Act.

Throughout the six years that I represented Colorado's Fourth Congressional District in the U.S. House, I considered it a privilege to serve on this very Committee. I really enjoyed the chance to discuss and act on issues similar to the ones you're considering today and I regard it as the most important work in public policy.

Though time has passed and a few of the faces have changed, I know the object of your interest is still the same – the wellbeing of America's schoolchildren. As a parent of five public-school educated children, my interest in this topic is personal. It's also central to my overall civic-leadership interest in helping build a stronger America for every school-aged citizen.

The experiences of being a parent active in my kids' schools, serving on this Committee, and before that nine years of involvement in education issues as a Member of the Colorado State Senate makes for some habits that I've found impossible to break. A couple years after leaving Congress in 2003, I became an elected member of the Colorado State Board of Education where I now serve as Chairman.

Just a couple years ago, I left the private sector and became the principal of Liberty Common High School, a public, charter high-school and junior-high school in my hometown of Fort Collins, Colorado. My wife and I were founding parents and helped start the Liberty Common system over 16 years ago and all of our children have attended it. Two of them are students there today and I'm proud to say, the school continues to grow, it has consistently been one of the state's top-performing schools with over 900 students attending and about 1,300 more on our waiting list.

With that background, I have become deeply convinced of the value of parental involvement in education, of the marketplace-driven benefits of school choice, of the value of local control in education and streamlined systems to get more dollars to classrooms where they're needed most.

These beliefs are among the chief reasons I am here today. These broad strategies enjoy general bipartisan consensus among the seven Members of the Colorado State Board of Education. As chairman, I can assure you that Colorado's board also shares an ambitious vision for the future of Colorado's education system.

We've led the country in transforming our teaching corps. First, let me say that Coloradans agree it is the fundamental right and obligation of parents to direct the education and upbringing

of their children. Parents play the most important role in determining the academic success of a student. After that, it is curriculum that influences the success of a student.

In exercising their rights and fulfilling their great responsibilities, parents most often look to and rely upon proficient teachers to assist in shaping the academic success of their children. Colorado is leading the way in legitimately leaving behind the concept of teacher tenure. My colleagues and I recently passed – unanimously on a bi-partisan basis – a new system to evaluate public-school teachers on the basis of performance.

These performance measures are tied fifty percent to student performance scores. The other half is comprised of a combination of objective and subjective observations. Those teachers, who are unable to meet the performance expectations of the new system, will receive focused professional support for a period of time, and if that proves insufficient, they'll be replaced.

For the vast majority of Colorado's teachers who will thrive under the new system, they will finally begin to be treated like real professionals with compensation, recognition and advancement being directly associated with performance, and most importantly with useful and constructive feedback on their professional practice and student results. To be sure, Colorado still has a long way to go, but we've cleared the highest hurdles in this regard. We managed to pass the underlying legislation and begun overhauling the necessary administrative structure in the state with support from a Republican-led State Board of Education, two Democratic governors and a split state legislature.

In fact, just last week, our Board received a report from our State Department of Education's licensing staff. The question is, once we have an ongoing, objective teacher evaluation system in place, what would be the purpose of a teachers' license? Think about it, at a time when our schools are pressed for cash, why do we continue to require teachers to shell out a thousand dollars or more a year to maintain a piece of paper that essentially tells us nothing about a teacher's suitability to teach?

When I asked our licensing staff that question, they indicated we probably have to keep issuing meaningless and expensive state licenses to teachers who can barely afford to buy them. They told the Board we have to do this because the federal government would cut off a few hundred million in funding to our state that is predicated on the old-fashioned idea of a teacher license. We'd frankly like to move on – quickly – to a better measure, a results-based indicator of teacher quality and a performance-based assessment to identify truly outstanding classroom instructors.

H.R. 3990, *the Encouraging Innovation and Effective Teachers Act*, encourages more of this kind of reform by relying more on local teacher-evaluation systems and by allowing state and local leaders more flexibility in the use of federal education funding.

Colorado has also been rather aggressive about updating our academic standards and modernizing our assessment system to meet the expectations of our state's higher-education system. In adopting new standards and developing new assessments, it would be our preference to make decisions based upon our values as a Western state that competes well in an international economy.

While Colorado is certainly free to be at the table in developing, for example, the Common Core State Standards and assessments developed through consortia efforts with other states – which we do – we strongly object to and resent federal efforts to use federal funds or cash awards to push our state, or any state, in a direction it might not be inclined to go on its own volition.

Moreover, I am concerned whether the Common Core State Standards, the corresponding assessments developed through the two consortia, and the NCLB Conditional Waivers are effectively pushing states toward a national curriculum. I direct your attention to the recent study published by the Pioneer Institute entitled, *The Road to a National Curriculum: The Legal Aspects of the Common Core Standards, Race to the Top, and Conditional Waivers* for additional information on this issue.

This is why the *Student Success Act* (H.R. 3989) and the *Encouraging Innovation and Effective Teachers Act* (H.R. 3990) are big steps in the right direction, and why the Committee should pass them. The combined effect of these bills is to rely on state-designed accountability systems, state-designed academic standards and state-designed assessments. The bills would allow us to move forward with teacher assessments predicated upon verifiable success rather than the current federal definition which is predicated upon credentials, tenure and meaningless, expensive certificates from state bureaucracies.

As you all probably know, Colorado was one of the states to receive one of these new NCLB waivers last week. Of course we applied for regulatory relief from the federal government. But the more fundamental question is, why should we have to go through all that effort, time and expense just to be able to act like an actual state and exercise the authority the U.S. Constitution suggests we already have?

I have to tell you, the U.S. Department of Education was actually quite helpful in Colorado's application. The Department even seemed to want to help us to go further than your law allows us to go with respect to Title I portability. You see, in Colorado, we have some Title I schools where the students take online courses from districts a county or two away. Why can't the Title I funds associated with that child be used to assist the child at the school that can actually help him?

We've done extensive analysis, consulted lawyers, agency experts and others and we've actually identified a way we could do this in Colorado. The U.S. Department of Education has given us every encouragement. But, the current federal law is the only thing left that stands in the way preventing us from helping the children of Denver to get the better education that their parents have chosen and that they deserve. I hope you'll consider these kinds of freedoms, which are very consistent with H.R. 3989 and H.R. 3990, as you go into markup.

Incidentally, whether through waivers or through the restored regulatory relief of H.R. 3989 and H.R. 3990, granting more freedom from the federal mandates of NCLB does not mean lowering the bar for any child. Quite to the contrary, Colorado's proposal actually holds more schools and districts accountable to higher academic standards, and for more students in historically

disadvantaged subgroups than NCLB ever did. We are proud of state leadership in pushing accountability even further in a freer, post-NCLB world.

Our systems are built upon disaggregated data. Our accountability systems track all of this and are oriented toward closing achievement gaps. We're turning underperforming schools upside down. We're creating more charter-school options all the time in neighborhoods where choice creates pressure for immediate improvement and where customized education services are needed most. We did all of this on our own without the feds telling us we had to.

In Colorado, as in every state, parents deserve to be treated like real customers, teachers deserve to be treated like real professionals, and children – all children – deserve to be treated like real Americans. H.R. 3989 and H.R. 3990 are promising proposals because they recognize that schools should enjoy the freedom to teach, and students should be given the liberty to learn.

Again, I appreciate the opportunity to share with you a perspective from the Rocky Mountain West. It's a perspective that favors choice, local control, a professional transformation of the teaching craft, transparency, accountability, competitiveness and marketplace entrepreneurship. It's a perspective that, to me, seems more possible and likely with the introduction of the two bills you're considering today.

Mr. Chairman, this concludes my remarks. Thank you.