

Opening Remarks of the Honorable Robert C. "Bobby" Scott
Committee on Education and the Workforce
“Next Steps for K-12 Education: Upholding the Letter and Intent
Of the *Every Student Succeeds Act*”
February 25, 2016

Mr. Chairman, we are here today to discuss the critical role of the Department of Education in the implementation of the Every Student Succeeds Act.

Early last year, this committee's process for reauthorization of the Elementary and Secondary Education act started as partisan and ideological. We marked up and passed a bill that the White House, House Democrats, and the education and civil rights communities resoundingly rejected.

But ultimately, we came together to write and pass a strong bipartisan law that was worthy of the President's signature. This was no small feat, and I am proud of our collective effort. I am proud of the role House Democrats played in producing a new K-12 education law that I believe will fulfill the ESEA's promise as a fundamental civil rights law.

At a time when Congress is often chastised for its brokenness and lack of compromise, we clearly accomplished a great deal by coming to consensus to pass this major legislation.

But passing legislation is only one step of many. We all agree that the fulfilling the promise of the Every Student Succeeds Act rests in successful implementation that honors Congress' longstanding commitment and intent of the ESEA: promoting and protecting the right to educational opportunity for every child, regardless of race, income, language status, or disability.

ESSA repealed the one-size-fits-all approach of No Child Left Behind with increased flexibility for states and school districts. But, with flexibility comes responsibility. States will be tasked with developing new multi-measure accountability systems, implementing more innovative assessment systems, and providing support to school districts to ensure that low-performing schools improve and meet the needs of all students.

Getting this right is hard work, and the federal government has an important role to play in setting high expectations – both for systems and for the students those systems serve – and maintaining vigorous oversight and enforcement to ensure those expectations matter.

Simply put, while the ESSA returns much decision-making to the state and local level, this new law is not a blank check. There are federal guardrails with which States and school districts must comply.

Democrats fought for those provisions because we know from experience that when the federal government turns a blind eye or leaves states without a meaningful regulatory framework, it is the most vulnerable children – children of color, English learners, students with disabilities, and low-income children – that lose out. We've experienced this under both Democratic and Republican administrations.

That's why I am glad that the Department of Education, under the leadership of Acting Secretary King, quickly began the process to faithfully implement this new law. And part of that process, as dictated in the Administrative Procedures Act, will be the Department of Education's promulgation of rules and regulations to clarify vague statutory terms and requirements. This congressionally-dictated responsibility is critical for helping states and school districts move forward expeditiously.

Not a single provision in the Every Student Succeeds Act prevents the Department of Education from promulgating regulations, including in important areas like assessments, accountability, and interventions.

Let me be clear: House Democrats would never have supported, and the President of the United States would have never signed, a law that revoked rulemaking authority or set a dangerous precedent when it comes to the federal government's role in protecting the civil rights of all students.

Now, Acting Secretary King is not the only one with important work to do. As the process moves forward, state chiefs, state legislatures, and school district leaders must work collaboratively with all stakeholders to ensure that the voices of parents, teachers, students, and the civil rights community are heard in state capitols and school board meetings across the country.

I am pleased that 370 organizations and individuals have already provided recommendations to the Department of Education regarding the regulatory process. In my own reading of the public comments, I saw many individuals and groups requesting additional regulatory clarity. This includes defining vague terms, setting parameters, and providing options to fulfill new legal requirements. In addition, state and local leaders will need to rise to the occasion and recognize their important responsibility to fight for strong student-focused policies.

I look forward to hearing from Acting Secretary King about the work he is doing over the course of this year to faithfully implement this law in a way that honors Congress' intent to protect the civil rights of all students. Thank you.