

United States Senate

WASHINGTON, DC 20510-2101

September 30, 2016

The Honorable Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern about two regulations that the U.S. Department of Education has proposed to implement provisions of the new Every Student Succeeds Act. We want to work with you to ensure that these regulations reflect the plain language of the law and clear intent of Congress.

On December 10, when you signed this law fixing No Child Left Behind, you called it “a Christmas miracle.” After nearly seven years of disagreement, the U.S. House of Representatives (359-64) and the Senate (85-12) passed it with overwhelming bipartisan support.

Few new federal laws have been as well received in our states as this one. That is because the coalition supporting its passage found consensus among many groups that often disagree: governors, teachers, principals, chief state school officers, district superintendents, legislators, school board members, business leaders and civil rights groups.

Not only was there a consensus that No Child Left Behind needed fixing, there was a consensus on how to fix it: keep the federally required tests, but restore most responsibility for what to do about the tests to states, communities and classroom teachers. There was also agreement that this was the best way to promote a new era of innovation in our schools and ultimately achieve one of the key principles of the law – that all students receive a fair, equitable, and high quality education.

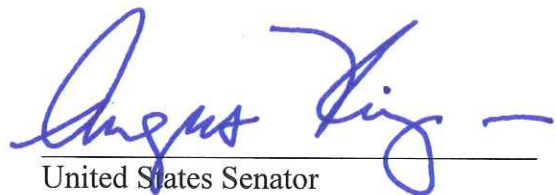
Unfortunately, the Department has proposed two regulations that do not comply with the plain language of the statute and Congressional intent. One regulation, concerning fiscal requirements known as “supplement, not supplant,” would order states to spend their own state and local school funds in a way that is expressly prohibited by the new law. The other regulation, concerning state accountability systems, would take away flexibility that Congress clearly gave states, undermining what Congress intended in moving away from the test-based systems of accountability that No Child Left Behind required and violating explicit prohibitions written into the statute.

Most Americans are grateful for the law that Congress, working with you, enacted. We urge you to make certain that the Department of Education regulations stay within the statutory text. We are available to work with you to help achieve that.

Sincerely,



United States Senator



United States Senator

Michael B. Enji

United States Senator

Jon Tester

United States Senator

Jon Tester

United States Senator

Paul Manchillo

United States Senator

Susan M. Collins

United States Senator

Chris McCasill

United States Senator

Quinn Hatch

United States Senator

Heidi Heitkamp

United States Senator