



HEARING BRIEF

Federal Education Policy

HOUSE EDUCATION AND THE WORKFORCE COMMITTEE HEARING ON “EDUCATION REGULATION”

Prepared by:

Della Cronin ([dcronin@wpllc.net](mailto:dcronin@wpllc.net))

Jon Hultine ([jhultine@wpllc.net](mailto:jhultine@wpllc.net))

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On March 1, the House Education and the Workforce Committee held a hearing titled, “Education Regulations: Weighing the Burden on Schools and Students.” Republican leadership hosted the hearing “to examine the scope of federal education mandates, including data collection requirements and paperwork burdens, and analyze how compliance with these mandates creates unnecessary hurdles for K-12 schools, colleges, and universities.”

**WITNESSES**

- Mr. Gene Wilhoit, Executive Director, Council of Chief State School Officers, Washington, DC.
- Dr. Edgar Hatrick, Superintendent, Loudoun County Public Schools, Ashburn, VA.
- Mr. Christopher Nelson, President, St. John’s College, Annapolis, MD.
- Ms. Kati Haycock, President, The Education Trust, Washington, DC.

**MEMBERS PRESENT**

Chairman John Kline (R-MN) and Ranking Member George Miller (D-CA), Representatives David Roe (R-TN), Tim Walberg (R-MI), Scott DesJarlais (R-TN), Larry Bucshon (R-IN), Lou Barletta (R-PA), Martha Roby (R-AL), Duncan Hunter (R-CA), Dale Kildee (D-MI), Rob Andrews (D-NJ), Bobby Scott (D-VA), Lynn Woolsey (D-CA), Mazie Hirono (D-HI), Tim Bishop (D-NY), Donald Payne (D-NJ), Carolyn McCarthy (D-NY), Joe Heck (R-NV), Virginia Foxx (R-NC), and Judy Biggert (R-IL).

**OPENING STATEMENT & DISCUSSION**

**Chairman Kline** opened the hearing with comments on the importance of fixing the education system in the United States. He noted that the current education system is “broken” and recent reforms have only exacerbated the issues for school districts across the country. He emphasized the need to move away from a “Washington knows best” approach toward one that lessens the regulatory burden on parents and teachers and encourages superintendents to develop innovative reforms.

**Ranking Member Miller** agreed with Chairman Kline in that the nation’s education system is in need of repair, but praised some of the results of implementation of No Child Left Behind (NCLB), in

particular the ability of parents to see school achievement results being published in the local newspaper. He characterized seeing those results for the first time as one of the best days of his career. He emphasized the importance of data collection, as required under NCLB, which produces higher accountability for parents, teachers, and school administrators, but said determining the balance between what is right and what is burdensome to the education regulatory system is crucial.

## **WITNESS STATEMENTS**

### **Gene Wilhoit**

Mr. Gene Wilhoit thanked the Committee for holding the hearing and reviewing how the federal government can use its role to leverage improvement in public education. He emphasized five areas of leadership he would like to see from the Committee and Congress. 1. Creating a centralized process for driving data collection issues across the states—one that comes from a single office in the Department of Education, not multiple offices. 2. Removing redundancies in the regulatory process, particularly in the reporting requirements. He cited a study which looked at the 600 different reporting requirements for a particular school district and found 241 data elements requested repeatedly. 3. Maintaining consistency in the manner of reporting requirements. Wilhoit noted that in the last six years, 20 new reporting data points have been added to regulations and have been revised again and again, creating additional administrative burdens for administrators and educators who must continually adjust to the changing regulations. 4. Providing a dynamic process for updating regulations. 5. Tying regulations to the oversight function as related to reporting requirements. Multiple agencies oversee these regulations and each requires different formatting of the data being collected, which creates a heavy burden on schools.

### **Edgar Hatrick**

**Dr. Edgar Hatrick** discussed the impact of regulations on smaller, poorer school districts. He argued that federal regulations are important, but the pressure to make school districts comply places conformance over successful teaching. He cited overlap in the current regulations and reporting requirements, which ultimately forced his Loudoun County School District to divert 82 instructional days toward satisfying reporting requirements and away from teaching. He argued that these burdensome regulations come without the resources needed to comply. He cited several reporting requirements that require the employment of specialized instructors and researchers, which smaller and poorer school districts cannot afford. He stressed the importance of finding a balance between what is really needed and what “would be nice to have” when it comes to establishing reporting requirements. He recommended that federal agencies better coordinate reporting requirements in order to reduce duplication and that reporting and data collection requirements come with funding to support school districts.

### **Christopher Nelson**

**Mr. Christopher Nelson** thanked the Committee for its interest in reducing schools’ regulatory burden and spoke to compliance requirements higher education institutions face. He cited duplication and the number of hours that divert educators away from teaching as the two principal concerns facing colleges and universities. He testified that smaller institutions, like his St. John’s, are disproportionately burdened by excessive regulations because of limited staff and resources. To quantify the burden, Nelson pointed to Catholic University’s efforts. The school filled nine, single-spaced pages that alphabetized every regulation applicable to institutions of higher education, and three large notebooks with only the summaries of the laws that regulate colleges and universities. Nelson recommended a

system similar to the Congressional “pay go” practice that governs spending, saying as new regulations are added, others must be removed.

### **Kati Haycock**

**Ms. Kati Haycock** thanked the committee for inviting her to speak and said the federal government does have an important role in supporting education. She argued, however, that excessive controls on how funds are spent at the state and local levels are detrimental to educational reform and innovation. She praised NCLB for its focus on underperforming school districts and bringing disadvantaged students up to their full potential. She cited the importance of public reporting as a method in which parents can receive honest reporting on a school’s performance.

### **MEMBER QUESTIONS**

**Chairman Kline** opened the first round of questioning by asking the witnesses about what agencies and programs impose regulatory requirements on K-12 education other than the Department of Education. Dr. Hatrick responded with a list of items: Head Start, IDEA, ESEA, nutrition, and ARRA (American Recovery and Reinvestment Act) funding requirements. Dr. Hatrick stated that it’s not just a federal problem, and that at all governmental levels, “new regulations have been added, but none have been taken away.” Mr. Nelson responded cited a number of agencies, including regulations regarding labor employment, discrimination, disabilities acts, and anti-trust acts. Chairman Kline then asked Mr. Wilhoit to clarify his earlier statement as to what rules were blocking schools from making significant changes. Mr. Wilhoit responded with an example regarding Title I, in which there was no correlation between success under Title I audits and successful institutions, suggesting that the audit requirements do not support better learning.

**Ranking Member Miller** offered comments praising No Child Left Behind, specifically the mandates which promote performance-based schools. He argued that in order to bring the U.S. education system into the 21<sup>st</sup> century, the committee must transition to an information based system that focuses on the key data points while “jettisoning” the reams of federal requirements that do not benefit the education system.

**Representative Bucshon** asked Dr. Hatrick whether he has seen an increase in student success in school and whether or not it can be tied to regulation over the last thirty years. Dr. Hatrick stated that while more students were completing high school and college than when he first began his career as an educator, it is not necessarily because of regulation. He argued that it is hard to find the nexus between the reporting requirements and marked improvement in school performance. Mr. Wilhoit added that one of the best ways to increase effectiveness would be to institute some kind of information sharing program similar to practices of the medical profession; right now the education profession’s reporting is not driven by best practice.

**Representative Roe** empathized with the panel in stating that educators are inundated with reporting requirements, and gathering data just for the sake of data is not a valuable practice to the nation’s students and teachers. He discussed the burden of dealing with unfunded mandates with Dr. Hatrick, who stated that high quality educators are choosing to leave the classroom rather than dealing with all of the reporting requirements and other regulations.

**Representative Andrews** asked Ms. Haycock to identify the most pressing challenge facing schools. Ms. Haycock stated that teachers would say that curriculum resources are one of the most challenging problems. The United States is one of the few nations around the world that does not provide more support for curriculum development. Representative Andrews asked the panel whether their peers would favor eliminating the Department of Education altogether, to which Mr. Wilhoit answered that there is no real consensus. Members of the community find both benefits and drawbacks to the Department's functions.

**Representative Heck** discussed his own plans to become a teacher until introduced to education regulations. He asked the panel what they would recommend in creating a balance between accountability and results. Dr. Hatrick encouraged the committee to hear from practitioners in the field and create an open dialogue from which they can collectively implement effective regulations.

**Representative McCarthy** raised the issue of security on school campuses given the recent shootings in Arizona. She asked Mr. Nelson whether colleges had an interest in streamlining campus safety guidelines that draw from the best of the reporting requirements. Mr. Nelson answered that entire faculty meetings have been devoted to discussing campus safety, and institutions regularly work together to develop reporting guidelines.

**Representative Foxx** asked the panel whether the Department gives institutions any useful feedback related to their efforts to satisfy reporting requirements. Dr. Hatrick answered no, stating that by the time the data makes its way up the chain to the Department and back down again, three or four years have passed and the data is already outdated. He suggested the data be submitted via an electronic system that could provide timely analysis.

**Representative Scott** addressed reports submitted by school districts when asking Dr. Hatrick how much of the reports are prose versus simple data and statistics. Dr. Hatrick responded that it's a combination, but most of the data cannot be obtained just by pushing a button; Hatrick also stated that different agencies require different formats and argued for a centralized format.

**Representative DesJarlais** asked each panel member to identify the top three concerns that educators have currently. Dr. Hatrick responded, "Frozen compensation, enlarging class sizes, and overall frustration with reporting requirements by local, state, and federal governments." Mr. Wilhoit cited the particular concern of educators' inability to meet current reporting demands and the need to redesign pre-service and professional development opportunities. Mr. Nelson pointed to the struggle between college educators and the federal government with relation to telling students what to think.

**Representative Bishop** raised the issue of financial aid in the wake of H.R. 1's proposal to eliminate funding for federal supplemental educational opportunity grants (SEOG) and to cut Pell Grant maximum awards by 50%. Representative Bishop asked whether Mr. Nelson believes Congress should rethink those cuts as well as proposed decreases in Head Start. Mr. Nelson answered, "Yes."

**Representative Hunter** asked the panel what precluded the education system from developing an advanced computer database similar to other federal programs. Mr. Wilhoit cited a lack of agreement in the education community on the standards of collection and other human elements. Dr. Hatrick added that common definitions do not exist when it comes to education. Representative Hunter also asked

whether states or the federal government should determine the standard of data being collected. Dr. Hatrick responded that regulators and instructors should work together to determine the standards, but noted that the entity offering more funding would have more influence.

**Representative Barletta** asked Mr. Nelson about the practical effect of regulations on students. From a higher education perspective, Mr. Nelson asserted that students are affected most by debt. While institutions have hefty compliance requirements related to federal student aid, the debt counseling requirements are good for students.

**Representative Woolsey** discussed the importance of preschool education with Ms. Haycock and Dr. Hatrick. Dr. Hatrick asserted that the most important and appropriate federal education investment would be one in preschool, pointing to a current unrealistic assumption that everyone who comes to school is ready to learn.

**Representative Hirono** asked the panel to identify three changes that would improve the Elementary and Secondary Education Act (ESEA). Mr. Wilhoit recommended creating a dialogue between Congress and educators to discuss reforms and to appropriately consider incremental progress when determining school success. Ms. Haycock recommended increasing the quality of the teacher force by looking at actual effectiveness of teachers; and fixing the comparability requirements of the law. Dr. Hatrick recommended going back to “the roots” of ESEA and addressing urban and rural poverty. He urged the federal government to grow its education budget and redistribute federal dollars to districts that really need them.

**Representative Walberg** asked how much regulatory compliance costs schools and how much staff time is spent on complying with the current education regulations. Dr. Hatrick responded that in his Loudoun County district, six full time professional staff members work on meeting all of the reporting requirements. In more rural or poorer school districts, hiring six additional staff members is not a realistic option.

**Representative Biggert** raised the issue of reauthorizing Race to the Top and asked then panel whether the program is effective. Dr. Hatrick responded that the initiative has changed attitudes toward a devoted focus on the four areas of reform, but he argues the competitive nature of the program will not help education reform in the long run.

## **CONCLUSION**

The hearing follows the Committee’s broad examination of K-12 education policy at a February hearing. The Committee is charged with considering revisions to ESEA this year, although a definitive legislative strategy and timeline have not been determined.

More information on the hearing, including testimony and a webcast, are available at <http://edworkforce.house.gov/Calendar/EventSingle.aspx?EventID=226021>