NO CHILD LEFT BEHIND: SUCCESSES AND CHALLENGES OF IMPLEMENTATION IN URBAN AND SUBURBAN SCHOOLS

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON EDUCATION REFORM

OF THE

COMMITTEE ON EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

August 28, 2006, in Chicago, Illinois

Serial No. 109–53

Printed for the use of the Committee on Education and the Workforce

Available via the World Wide Web: http://www.access.gpo.gov/congress/house
or
Committee address: http://edworkforce.house.gov

U.S. GOVERNMENT PRINTING OFFICE

29–626 PDF WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON EDUCATION AND THE WORKFORCE

HOWARD P. "BUCK" McKEON, California, *Chairman*

Thomas E. Petri, Wisconsin, *Vice Chairman*
Michael N. Castle, Delaware
Sam Johnson, Texas
Mark E. Souder, Indiana
Charlie Norwood, Georgia
Vernon J. Ehlers, Michigan
Judy Biggert, Illinois
Todd Russell Platts, Pennsylvania
Patrick J. Tiberi, Ohio
Ric Keller, Florida
Tom Osborne, Nebraska
Joe Wilson, South Carolina
Jon C. Porter, Nevada
John Kline, Minnesota
Marilyn N. Musgrave, Colorado
Bob Inglis, South Carolina
Cathy McMorris, Washington
Kenny Marchant, Texas
Tom Price, Georgia
Luis G. Fortuño, Puerto Rico
Bobby Jindal, Louisiana
Charles W. Boustany, Jr., Louisiana
Virginia Foxx, North Carolina
Thelma D. Drake, Virginia
John R. "Randy" Kuhl, Jr., New York
[Vacancy]

George Miller, California, *Ranking Minority Member*
Dale E. Kildee, Michigan
Major R. Owens, New York
Donald M. Payne, New Jersey
Robert E. Andrews, New Jersey
Robert C. Scott, Virginia
Lynn C. Woolsey, California
Rubén Hinojosa, Texas
Carolyn McCarthy, New York
John F. Tierney, Massachusetts
Ron Kind, Wisconsin
Dennis J. Kucinich, Ohio
David Wu, Oregon
Rush D. Holt, New Jersey
Susan A. Davis, California
Betty McCollum, Minnesota
Danny K. Davis, Illinois
Raúl M. Grijalva, Arizona
Chris Van Hollen, Maryland
Tim Ryan, Ohio
Timothy H. Bishop, New York
[Vacancy]

Vic Klatt, *Staff Director*
Mark Zuckerman, *Minority Staff Director, General Counsel*

SUBCOMMITTEE ON EDUCATION REFORM

MICHAEL N. CASTLE, Delaware, *Chairman*

Tom Osborne, Nebraska, *Vice Chairman*
Mark E. Souder, Indiana
Vernon J. Ehlers, Michigan
Judy Biggert, Illinois
Todd Russell Platts, Pennsylvania
Ric Keller, Florida
Joe Wilson, South Carolina
Marilyn N. Musgrave, Colorado
Bobby Jindal, Louisiana
John R. "Randy" Kuhl, Jr., New York
Howard P. "Buck" McKeon, California, *ex officio*

Lynn C. Woolsey, California, *Ranking Minority Member*
Danny K. Davis, Illinois
Raúl M. Grijalva, Arizona
Robert E. Andrews, New Jersey
Robert C. "Bobby" Scott, Virginia
Rubén Hinojosa, Texas
Ron Kind, Wisconsin
Dennis J. Kucinich, Ohio
Susan A. Davis, California
George Miller, California, *ex officio*

C O N T E N T S

	Page
Hearing held on August 28, 2006	1
Statement of Members:	
Biggert, Hon. Judy, a Representative in Congress from the State of Illinois	1
Prepared statement of	3
Davis, Hon. Danny K., a Representative in Congress from the State of Illinois	3
Statement of Witnesses:	
Duncan, Arne, chief executive officer, Chicago Public Schools	11
Prepared statement of	14
Johnson, Henry L., Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education	7
Prepared statement of	9
Kimmelman, Paul, senior advisor, office of the CEO, Learning Point Associates	22
Prepared statement of	23
Piché, Dianne M., executive director, Citizens' Commission on Civil Rights	26
Prepared statement of	29
Excerpts from report: "Days of Reckoning—Are States and the Federal Government Up to the Challenge of Ensuring a Qualified Teacher for Every Student?"	48
Ruscitti, Darlene, regional superintendent of schools of DuPage	16
Prepared statement of	19
Additional Submission:	
Testimony submitted by Mary E. Penich, Lake County assistant regional superintendent of schools; Charleen Cain, teacher leader, Northern Illinois Reading Recovery Consortium; and Barbara Lukas, teacher leader and interim director, Reading Recovery Training Center, National-Louis University	61

NO CHILD LEFT BEHIND: SUCCESSES AND CHALLENGES OF IMPLEMENTATION IN URBAN AND SUBURBAN SCHOOLS

Monday, August 28, 2006
U.S. House of Representatives
Subcommittee on Education Reform
Committee on Education and the Workforce
Chicago, IL

The subcommittee met, pursuant to call, at 10:30 a.m., in room 2525, Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604, Hon. Judy Biggert [member of the subcommittee] presiding.

Present: Representatives Biggert, Davis, Scott.

Staff Present: Jill Williams Scott, Legislative Assistant; Lloyd Horwich, Professional Staff; Amanda Farris, Professional Staff; and Brian Peterson, Legislative Assistant.

Mrs. BIGGERT. The Subcommittee on Education Reform of the Committee on Education and the Workforce will come to order.

We are meeting today to hear testimony on No Child Left Behind: Successes and Challenges of Implementation in Urban and Suburban Schools.

I ask unanimous consent for the hearing record to remain open 14 days to allow member statements and other extraneous materials referenced during the hearing to be submitted in the official hearing record. Without objection, so ordered.

With that, I will recognize myself for 5 minutes for an opening statement. Good morning. Thank you all for joining us today as the Education Reform Committee of the U.S. House Education and Workforce Committee hears testimony about the impact that No Child Left Behind is having on urban and suburban schools and districts in Illinois.

I look forward to hearing from all of the witnesses who are here with us today, and I am very happy to be joined by my colleague, Danny Davis, from the city of Chicago, and Bobby Scott from the State of Virginia for this hearing today.

As many of you know, No Child Left Behind acts as a critical piece of education legislation that is helping to close the achievement gap between the disadvantaged students and their more affluent peers. Through the hard work of state and local education leaders we can ensure that every child, regardless of race, economic background, disability, or geography has access to a first-class education.

The No Child Left Behind Act reflects the four pillars of President Bush's education reform agenda—accountability in testing, flexibility in local control, funding for what works, and expanded parental options. No Child Left Behind also requires annual testing of public school students in reading and math in grades 3 through 8 and once more in the high school.

Report cards for parents on school achievement levels, improved teacher quality requirements that ensure all students are being taught by a highly qualified teacher, and public school choice and supplemental services options for parents with children in underachieving schools.

I think it is important to point out that No Child Left Behind is not a one size fits all mandate. It allows states tremendous amounts of flexibility. Individual states are given the flexibility to determine a variety of factors, including the definition of student proficiency, the starting points for measuring the progress of schools, and the amount of progress that must be made from year to year.

They also have the flexibility to develop their own tests to determine if existing teachers should be deemed highly qualified. I am pleased that it appears that No Child Left Behind is working to improve student achievement and reduce the achievement gap between disadvantaged students and their more fortunate peers.

The National Assessment of Education Progress 2004 long-term data trend released in July of 2005 reveals significant improvement in overall student achievement with noteworthy gains among minority students. According to data presented to Congress by the Council of the Great City Schools, urban students have posted higher math and reading scores on state tests since NCLB was signed into law.

The Education Commission of the States in their report to the Nation has also reported that states are well on their way to making the law work in our public schools. Next year, No Child Left Behind is slated to be reauthorized by Congress. And to lay the foundation for this effort, the House Education Committee is in the midst of a series of hearings on many of the law's key aspects.

Over the past several months we have hosted educators who have traveled to Washington, D.C. to provide testimony on a variety of issues related to the Act. However, I am especially eager today for this hearing, because we are no longer inside the Washington Beltway.

Here in cities like Chicago, suburbs like my hometown of Hinsdale, and scores of communities both large and small, NCLB is more than just a piece of legislation. It is a reality, and to get a better sense of how the law is working across the nation, not just from the perspective of the Washington environment, field hearings such as the one we are holding today are absolutely vital.

And with that said, I look forward to hearing from all the witnesses about how NCLB is being implemented in Illinois. I am confident that your testimony will help us to better understand the important issues surrounding the implementation of the Act and help us prepare for this reauthorization.

And with that, I will offer my—or I will call on my colleague, Mr. Davis, for his opening statement.

[The prepared statement of Mrs. Biggert follows:]

Prepared Statement of Hon. Judy Biggert, a Representative in Congress From the State of Illinois

Good morning. Thank you all for joining us today as the Education Reform Subcommittee of the U.S. House Education and the Workforce Committee hears testimony about the impact that No Child Left Behind is having on urban and suburban schools and districts in Illinois. I look forward to hearing from all the witnesses who are with us today.

As many of you know, the No Child Left Behind Act is a critical piece of education legislation that is helping to close the achievement gap between disadvantaged students and their more affluent peers. Through the hard work of state and local education leaders, we can ensure that every child—regardless of race, economic background, disability, or geography—has access to a first-class education.

The No Child Left Behind Act reflects the four pillars of President Bush's education reform agenda: accountability and testing, flexibility and local control, funding for what works, and expanded parental options. No Child Left Behind also requires annual testing of public school students in reading and math in grades 3-8 and once during high school, report cards for parents on school achievement levels, improved teacher quality requirements that ensure all students are being taught by a highly qualified teacher, and public school choice and supplemental service options for parents with children in underachieving schools.

I think it is important to point out that No Child Left Behind is not a one size fits all mandate. It allows states a tremendous amount of flexibility. Individual states are given the flexibility to determine a variety of factors, including the definition of student proficiency, the starting point for measuring the progress of schools, and the amount of progress that must be made from year to year. They also have the flexibility to develop their own tests to determine if existing teachers should be deemed highly qualified.

I am pleased that it appears that No Child Left Behind is working to improve student achievement and reduce the achievement gap between disadvantaged students and their more fortunate peers.

The National Assessment of Education Progress 2004 long-term trend data (released in July 2005) reveals significant improvements in overall student achievement, with noteworthy gains among minority students. Gains in student achievement are particularly striking over the last five years, and student achievement is up overall within the three decade comparison.

According to data presented to Congress by the Council of the Great City Schools, urban students have posted higher math and reading scores on state tests since NCLB was signed into law. The Education Commission of the States, in their Report to the Nation, has also reported that states are well on their way to making the law work in our public schools.

Next year, No Child Left Behind is slated to be reauthorized by Congress. To lay the foundation for this effort, the House Education & the Workforce Committee is in the midst of a series of hearings on many of the law's key aspects. Over the past several months, we've hosted educators who have traveled to Washington, DC to provide testimony on a variety of issues related to No Child Left Behind. However, I'm especially eager for today's hearing because we're no longer inside the Washington Beltway.

Here—in cities like Chicago, suburbs like my hometown of Naperville, and scores of communities, both large and small—No Child Left Behind is more than just a piece of legislation. It's reality. And to get a better sense of how the law is working across the nation—not just from the perspective of the Washington establishment—field hearings such as the one we're holding today are absolutely vital.

With that said, I look forward to hearing from all of the witnesses about how No Child Left Behind in being implemented in Illinois. I am confident that your testimony will help us to better understand the important issue surrounding the implementation of No Child Left Behind and help us prepare for the reauthorization of this important law.

Mr. DAVIS. Thank you very much, Representative Biggert, and first of all let me welcome all of our participants from out of town who have agreed to come to Chicago during the month of August. There are some places where people wouldn't say that Chicago is

the most delightful place to be during summer recess. But it is a great city, and we are pleased that all of you have come to join us.

I want to thank you, Congresswoman Biggert, for the tremendous leadership that you have displayed as we both serve on the Education Committee, along with Representative Bobby Scott from Virginia who is here today also.

I want to thank Chairman Castle and Ranking Member Woolsey for holding this hearing to understand how the No Child Left Behind law is working in large urban areas like the city of Chicago. Special thanks as well to the Chairman and Ranking Member of the Committee for their attention to the issue of urban——

[Microphone feedback.]

Mrs. BIGGERT. It is just your beautiful voice is so loud.

[Laughter.]

Try that now.

Mr. DAVIS. Maybe that will work. Schools and to the majority and minority staff members for bringing everything together to make a hearing like this take place.

[Microphone feedback.]

And I am reminded of an old Chinese proverb that says if you plan for a year so that——

[Microphone feedback.]

My constituents and I have a number of concerns related to the implementation of No Child Left Behind. In the series of town hall meetings that I held in the last year, Chicagoans and some of our suburban constituents have voiced concerns that children are expected to learn and teachers to teach to high schools without adequate funding.

Significant funding increases are necessary to ensure that states and local school districts are able to comply with Federal requirements. No cuts of approximately $1 billion has occurred in fiscal year 2006.

Chicagoans also wanted to see a greater emphasis on strategies that work, such as smaller class sizes, high quality staff development, and parental involvement, with less emphasis on test scores, teaching to the test, and punishing schools. In addition, the equitable distribution of qualified teachers is a key civil rights issue for students—a right that recently it was unfortunately revealed we are not adequately protected.

We must make sure that all children are provided experienced and qualified teachers, and we must focus on ways to measure student and school progress in the most accurate way possible.

Three covenants that I also like to hear about education is something that Abraham Lincoln was supposed to have said, Malcolm X, and then Harriet Tubman. Lincoln was supposed to have said at one time that education makes a man easy to lead but difficult to drive, easy to govern but impossible to enslave.

Malcolm X said one time that education is our passport to the future for tomorrow belongs to those who prepare today. And Harriet Tubman was supposed to have said one time that education is a dangerous thing in the minds of some. They say that it makes fools out of people. And then she said, "But I know more fools who don't have any." It is my position—and we hope—that we can make

sure that there are no children who grow up as fools in our country, because they have not been adequately educated.

I want to thank the panelists for coming to join us. Again, I thank you, Representative Biggert, for your leadership and look forward to the testimony of the witnesses.

Mrs. BIGGERT. Thank you, Representative Davis.

Representative Scott, do you have an opening statement?

Mr. SCOTT. Thank you very much. I just want to make a couple of brief comments and congratulate you, Mrs. Biggert, and Danny Davis, for your leadership—both of you for your leadership on the Education and Workforce Committee.

Coming from out of town, I guess I am here to validate the fact that you are in fact good leaders on the Education Committee and both support No Child Left Behind, and make sure, as you indicated earlier, that we are not in a rush trying to slap something together at the last minute. We won't reauthorize No Child Left Behind until next year, but hearings such as this would make sure that when we do it we will do it in an intelligent fashion.

The goal of No Child Left Behind is to improve education. That is a crucial goal in the global economy. We are competing not just with Chicago. I represent southeast Virginia. We are also competing all over the world. And those who have the best educated workforces will have the most jobs.

The education is important not only to the individual student. Obviously, the more you learn the more you learn, and a person's station in life to a large extent is decided by their level of education. But it is also important for the community. Those communities with the best educated workers will get the most jobs. Those with the best education will suffer less social services. Those with the best education will suffer less crime. It is crucial for the quality of life for a community to improve education.

No Child Left Behind sets up a good framework for us to improve education through the accountability, but the tests themselves do not improve education.

I represent a rural area, and my farmers tell me that you don't fatten a pig by weighing the pig. You don't improve education by giving a test. We need to make sure that No Child Left Behind not only exposes the shortcomings in some areas, but also gives them the tools to improve education. And there are a number of areas that we have to look at to make sure that the incentives and sanctions gave the right incentives to actually improve education.

Are the sanctions effective in improving education? What happens when a school does not meet adequate yearly progress? Are the measures appropriate, so we know which schools are in fact not making adequate yearly progress? Are we discouraging dropping out or encouraging dropping out? And how do we measure what an effective teacher is? Are these effective measures that we are actually improving education?

All of those—the framework works for improving education. We need to make sure that we are doing everything we can to address the important goal of improving education. Part of the challenge of No Child Left Behind is it tells us what to do. We have to improve education.

We have to make sure that also under No Child Left Behind we are giving the school divisions the how to do it. And I think that has been a little absent so far. We tell them what to do, and hopefully with best practices and other incentives, those who are not making adequate yearly progress will know what to do to improve.

So, Mrs. Biggert, I want to thank you for your leadership, for calling these hearings, so that we can be much more informed when we reauthorize No Child Left Behind next year. And thank Danny Davis also for his dedication and leadership in education all children.

Thank you very much.

Mrs. BIGGERT. Thank you, Mr. Scott, and thank you, Mr. Davis.

We have a very distinguished panel of witnesses before us, and I thank them all for coming. And I am going to introduce each one, and we will go from the left to right, and then each witness will have 5 minutes to summarize their testimony before the question and answer period.

First, we have to my left is Dr. Henry Johnson. He has served as the Assistant Secretary for Elementary and Secondary Education at the U.S. Department of Education since July of 2005. Dr. Johnson's 30-plus years as a professional educator include 7 years as a science and mathematics classroom teacher, 3 years as a principal, and 2 years as director of middle school programs for the Wake County school system in North Carolina. He also served as the State Superintendent of Education in Mississippi and has headed the Office of Instructional and Accountability Services as Associate State Superintendent in North Carolina's Department of Public Instruction. Welcome, Dr. Johnson.

And I will yield to Mr. Davis for the introduction of our next witness.

Mr. DAVIS. Thank you very much, Representative Biggert. I want to thank you for the opportunity to introduce Mr. Arne Duncan, who is Chief Executive Officer of the Chicago Public Schools system, obviously one of the largest systems in the nation. I don't think Arne has ever been introduced quite this way, as being the youngest person that I have ever known to run the Chicago Public Schools.

I was thinking about that the other day, Arne, that I have known lots of superintendents since I have been in Chicago, but I have never known a person as young as you who has been charged with the awesome responsibility of being the Chief Executive Officer for this large urban problem-plagued school district.

And I think that during your tenure you have demonstrated that you have the ability not only to provide the leadership, but the fact that you interact in a certain way with students oftentimes serves as an inspiration. Mr. Duncan is a former professional athlete who likes to play basketball, and it is nothing unusual to see Arne playing basketball with some of the students who may be members of the Chicago Public Schools system. And that has brought another level of affinity.

And so we appreciate the tremendous work that you have done, the opportunity that we have had to work with you and Ray Anderson and others in the Chicago Public Schools setup, and look forward to your presentation.

Mrs. BIGGERT. Thank you. And next we have Dr. Darlene Ruscitti, is the Regional Superintendent of Schools for DuPage County right here in Illinois—and part of it is in my district—where she is currently implementing a strategic planning process to harness resources across DuPage County to more effectively serve all local students.

She has also served as the Staff Developer and Trainer Program and Grants Manager and the Assistant Regional Superintendent for DuPage County Schools. Dr. Ruscitti earned her Doctor of Education degree from Loyola University in Policy Studies and Administration.

Next is Dr. Paul Kimmelman, is the Senior Advisor in the Office of the CEO at Learning Point Associates, a non-profit educational organization which assists educators and policymakers in making-based decisions to produce sustained educational improvement for students. He has worked in K through 12 education for over 30 years as a teacher, assistant high school principal, middle school principal, assistant superintendent, and superintendent.

Dr. Kimmelman's newest book—and I have an autographed copy of it—"Implementing NCLB: Creating a Knowledge Framework to Support School Improvement," was released in April of this year. Welcome.

And we have Ms. Dianne M. Piché. Ms. Piché is the Executive Director of the Citizens' Commission on Civil Rights, a group committed to monitoring the civil rights policies and practices of the Federal Government. As a civil rights lawyer she is specialized in legislation and litigation to promote educational equity and has represented plaintiff school children in desegregation cases.

Prior to assuming her current position, Ms. Piché directed the Commission's Title I monitoring project, which examined the impact of education reform.

And again, before you begin, I would ask that each of you limit your statements to 5 minutes. And then, your entire written testimony will be included in the official record.

Dr. Johnson, we will start with you.

STATEMENT OF HENRY JOHNSON, ASSISTANT SECRETARY, U.S. DEPARTMENT OF EDUCATION

Mr. JOHNSON. Thank you very much. Good morning to all of you, Chairwoman Biggert, Congressman Davis, Mr. Scott, and to the distinguished members of this panel. I am pleased to be in Chicago today with my friend and colleague, Arne. We have had numerous conversations, and I am pleased to be part of this panel. Arne has shown visionary leadership in Chicago.

When President Bush signed No Child Left Behind into law in January of 02, our nation embraced what is seemingly a very deceptive and most but historic goal, that of ensuring that every boy and girl has grade level skills in reading and mathematics by 2014. We are now into the fifth year of implementation of No Child Left Behind. While it hasn't been easy, I believe there is strong evidence that the law is working and making a positive difference in the lives of school children in this country. Data suggests that we are on the right track.

One simple but critically important change is that before No Child Left Behind was enacted it wasn't always easy for a parent or a legislator to be able to answer the question: Just how good is our school? How well are our students doing? No Child Left Behind is helping to answer those questions. And it wasn't just urban and suburban—it wasn't just suburban schools and urban schools being left behind.

Kids in those schools, poor and minority kids, all over the country there were schools and still are schools in which not all kids are achieving grade level standards. But No Child Left Behind is working to improve the educational outcome for those students.

Just a couple of statistics. Chairwoman Biggert, you mentioned the NAEP results. In our nation's reportcards, the reportcard for 2005, reading and math scores for African-American and Hispanic 9 year-olds reached an all-time high. Math scores for African-American and Hispanic 13 year-olds reached an all-time high. Achievement gaps in reading and math between white and African-American 9 year-olds, and between white and Hispanic 9 year-olds are at an all-time low. Progress is being made.

Here in Illinois, you are doing some really good things. Illinois recognized 683 schools by announcing the Illinois Honor Roll. Most impressive are the spotlight students, the 316 of those schools that met or exceeded No Child Left Behind adequate yearly progress requirements over the past 2 years, even though at least 50 percent of the students come from low income families.

A lot of work is yet to be done. One of the things that the Department has requested is funding of $200 million from Congress for school improvement. We think that a school improvement grant, should Congress see fit to allocate this money, will go a long way in helping to build capacity at the state level, so that state departments can help build capacity at the district level.

In Illinois, for example, despite the progress demonstrated by the Illinois Honor Roll, we saw a number of schools identified for restructuring. Some of this money can be used for restructuring, which is the most far-reaching stage of school improvement. It requires fundamental change and reform after a school has missed adequate yearly progress for 5 years.

We think that teaching is essential. After all, schooling is about teaching and learning. It is observable, it is measurable, and it is dependent more on the ability of the teacher than any other single factor. We know that the best way to improve schools is to improve the quality of teaching. And we also have to add to that the quality of leadership is awfully important, what principals do matters, what superintendents do matters, what local boards do matters, what state education officials do matters.

We have got to find ways to continue to build capacity at the district level and at the state level. The President last year, working with Congress, created a teaching incentive fund, funded at almost $99 million to encourage more experienced teachers to work in high poverty schools and to reward them for results. It has been shown to improve student performance.

We have talked a lot about how to qualify teachers under No Child Left Behind. If you followed carefully what has happened over the past several months, you would recognize that the Depart-

ment is talking more and more about effectiveness. Highly qualified is important. Effectiveness is at least equally important.

In addition to that, we have got to get these highly qualified and effective teachers teaching in schools with students who have the most needs, and the data has been fairly clear that schools have not tended to put their most experienced, effective teachers in those situations. And so we are encouraging states by way of a plan that they have had to write to address that issue.

And, Madam Chair, my 5 minutes is up, and I will make other comments through the Q&A.

[The prepared statement of Mr. Johnson follows:]

Prepared Statement of Henry L. Johnson, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education

Good morning. Chairwoman Biggert, Congressman Davis, and my distinguished colleagues on the panel, thank you for inviting me today to discuss the No Child Left Behind Act and its impact on children in urban and suburban schools. I am pleased to be here in Chicago with my friend and colleague, Arne Duncan. Arne is a visionary who understands the promise of No Child Left Behind and never shies away from taking on the hard issues to achieve important goals.

When President Bush signed NCLB into law in January 2002, our nation embraced the deceptively modest but historic goal of ensuring that every child learns on grade level in reading and math by 2014. We are now beginning the fifth school year of implementing the No Child Left Behind Act. While it hasn't always been easy, I believe there is strong evidence that the law is making a positive difference for America's students and their families.

Data Shows We're on the Right Track

One simple, but critically important change is that before No Child Left Behind, if a parent asked how a school was doing, we couldn't really answer the question. We had very little annual data about how to track the year-to-year progress of students and schools and few consistent benchmarks for success. And very few States and school districts reported disaggregated assessment data that allowed us to see the performance—or too often the underperformance—of poor and minority students. Typically, the first hint parents of these students had that our schools were not educating their children to high standards was when they dropped out of school, couldn't get into college, or struggled to find good jobs.

And it wasn't just urban schools that often left behind poor and minority students. Before No Child Left Behind, suburban schools also tended to overlook the underachievement of their minority students, since they were usually ranked on the basis of schoolwide averages that masked this underachievement.

Now, under No Child Left Behind, and thanks to a lot of hard work by people like Arne Duncan, parents and policymakers and teachers and taxpayers have a lot more of the data they need to make informed decisions about our schools. And while much of this data does indeed highlight the many challenges we face in fulfilling the promise of NCLB, there also is considerable evidence that we are getting the job done.

Across the country, test scores in reading and math in the early grades are rising, and the achievement gap is finally beginning to close. I am pleased to say that students who were once left behind, often in urban, inner-city schools, now are leading the way, making some of the fastest progress. The latest results from the National Assessment of Educational Progress, known as the Nation's Report Card, tell us that in 2005:

- Reading and math scores for African-American and Hispanic nine-year-olds reached an all-time high.
- Math scores for African-American and Hispanic 13-year-olds reached an all-time high.
- Achievement gaps in reading and math between white and African-American nine-year-olds and between white and Hispanic nine-year-olds are at an all-time low.

Highlighting the Importance of Improvement

Here in Illinois, you recently recognized 683 schools by announcing the Illinois Honor Roll. Most impressive are your "Spotlight Schools," the 316 schools that met or exceeded No Child Left Behind adequate yearly progress requirements for the

past two years even though at least 50 percent of their students are from low-income families. These schools are proving the core principle of NCLB: that all students, even those from disadvantaged backgrounds, can learn to high standards.

One thing that I really liked about the Illinois Honor Roll is that it recognized the importance of improvement by highlighting 306 additional schools that had demonstrated significant improvement in student achievement over the past one or two years. As we move closer to 2014, rapid improvement is what No Child Left Behind is all about, and these schools are showing that it can be done.

We think improvement is so important that it is a major focus of our budget proposal for education in the coming fiscal year. In addition to the roughly $500 million in federal funds that States reserve nationwide for distribution to schools identified for improvement under NCLB, we are asking Congress to provide an additional $200 million in new School Improvement Grants. This proposal would give States significant new resources to help turn around low-performing schools and school districts, both through direct awards to districts and through expanded provision of technical assistance in key areas such as the use of proven instructional strategies, selection and implementation of research-based curricula, professional development, and meeting the needs of students with disabilities and limited English proficient students.

In Illinois, for example, despite the progress demonstrated by the Illinois Honor Roll, we also saw the number of schools identified for restructuring—the most far-reaching stage of improvement, requiring fundamental change and reform after five years of missing AYP—jump ten-fold, from just 21 schools in the 2004-05 school year to 238 schools in the 2005-06 school year. In addition, 30 percent of your State's 794 Title I districts were identified for improvement in the 2005-06 school year. Our School Improvement Grants proposal would help Illinois move these schools and districts off the improvement list and on to the Honor Roll.

Effective Teaching Is Essential

We all know that the best way to improve our schools is to improve the quality of teaching. Research confirms this and tells us that teachers are the most important factor in raising student achievement. Despite this knowledge, we typically find our most experienced and qualified teachers not in the high-poverty schools most likely to need improvement, but in our wealthiest communities that already boast high-performing schools and high-achieving students. To give you just two examples in subjects that are critical to maintaining America's competitiveness in the global economy, only half of math teachers in our high-poverty middle and high schools majored or minored in mathematics. And for science teachers, that number drops to only a third.

We don't serve teachers or students well by placing our least experienced teachers in our most challenging environments. Nor do we serve teachers well by asking them to teach subjects that they don't know much about. It's not right, it's not fair, and it sets teachers—and students—up for failure.

If we really want to turn around our low-performing schools and give every student, regardless of background, the opportunity to meet high academic standards, this needs to change. I know Arne Duncan and superintendents like him across the country are doing their best to recruit highly qualified teachers for all of their schools, and we are working in Washington to provide some tools that can help.

For example, last year President Bush and the Congress created a Teacher Incentive Fund, funded at almost $99 million, to encourage more experienced teachers to work in high-poverty schools, and reward them for results—an approach that has been shown to improve student performance.

The Fund also supports State and local administrators who develop proven models that others could replicate—and I encourage all of you who are here to take advantage of that opportunity. We intend to make a first round of grants to promising applicants in October.

You also have a great resource within the State of Illinois, the National Comprehensive Center on Teacher Quality. The Department relies heavily on the leadership of the Center, which provides support to a network of regional comprehensive assistance centers, States, and other education stakeholders in strengthening the quality of teaching, especially in high-poverty, low-performing, and hard-to-staff schools.

In addition, the President requested Congress to provide $122 million to help prepare 70,000 teachers to lead AP and International Baccalaureate classes—the kind of rigorous teaching that attracts top teachers and that our students desperately need, and $25 million to help recruit 30,000 math and science professionals to be adjunct teachers in these essential subject areas.

A Continuing Partnership

I want to conclude by talking a little about the partnerships with State and local leaders that we at the Department have tried to build while undertaking the enormous and complex task of implementing No Child Left Behind. As I mentioned at the beginning of my testimony, though expecting all students to be on grade level in reading and math appears modest, it is nothing short of revolutionary, and we can't get there without your help.

This is why the Department, especially under the direction of Secretary Spellings, has worked hard to balance our commitment to the core principles of No Child Left Behind—including annual assessments, subgroup accountability, and 100-percent proficiency by 2014—with the need for flexibility at the State and local level.

Last year, Chicago benefited directly from what the Secretary calls her "sensible, workable" approach to No Child Left Behind. The Secretary visited Chicago personally to announce approval of a pilot program under which Chicago Public Schools (CPS) was permitted to continue providing supplemental educational services (SES) to eligible students even though the district had been identified for improvement. Prior to this pilot program, school districts identified for improvement automatically lost their eligibility to be SES providers.

In return for this flexibility, CPS agreed to expand outreach to parents about SES, provide greater choice of providers, and offer other providers increased access to CPS facilities. We are pleased with the progress made by CPS in improving SES participation under the pilot program, and just last month the Department approved the extension of the pilot for the 2006-07 school year.

To my way of thinking, the Chicago SES pilot is an outstanding example of the kind of partnership between the Department and local leaders that is making No Child Left Behind work for America's students and their families. I look forward, at this hearing and during my stay here in Chicago, to hearing about new ways to partner with State and local leaders to continue the effective implementation of No Child Left Behind.

Thank you, and I will be happy to answer any questions.

Mrs. BIGGERT. Thank you very much.

Mr. Duncan, you are recognized for 5 minutes.

STATEMENT OF ARNE DUNCAN, CEA–OFFICE OF THE CEO, CHICAGO PUBLIC SCHOOLS

Mr. DUNCAN. Thank you so much. Before I begin, I just want to thank you, Chairwoman Biggert, and Congressman Davis, for your tremendous personal support of our work here in Chicago. It means a lot to me. I also want to thank the staff members here who have been doing real hard work every day, and they have done a fantastic job.

I want to apologize ahead of time. I am going to have to sneak out a few minutes early before this hearing is done. I apologize for that.

I am very pleased to be able to report that the Chicago Public Schools have never been in better shape, and we had a breakthrough year academically this year with 97 percent of elementary schools showing improvement. Two-thirds of our students now are meeting or exceeding state standards in math. We have almost doubled the number of students meeting standards over the past 5 years, elementary down from about 40 percent to 60 percent.

In terms of high school performance on the ACTs over the past 5 years, here in Chicago we have improved at twice the rate of the rest of the state, and three times the rate of the rest of the country. So we feel very, very good about that progress, but we know we are nowhere near yet where we can be and should be and will be, and have to continue to push very, very hard.

We talk about the quality of teaching. That is so critically important as we go into the new school year starting in 8 days. Four years ago we had about 9,000 applicants to come teach in Chicago for about 1,500, 1,600 jobs. That has gone up to almost 20,000 applicants. We have doubled the number of applicants. And 42 percent of the teachers we hired last year had master's degrees, so we are really trying to build for the long haul, and not just recruit that great talent but do a better job of supporting that talent.

We have seen some—you know, some fairly significant progress, but we know we have a long way to go, and we want to continue to try and buildupon that winning streak. At both the high school and the elementary level, to Congressman Davis' point, we tried to do less testing. We have thrown out tests at both the high school and elementary level and have one test annually. We are trying to do a much better job on the formative assessment side and evaluate students' strengths and weaknesses.

Last year for the first time ever we assessed every child in reading, third through eighth grade, three times during the year. Turned that data around right away so that teachers and parents and principals could use that. I know it is part of the reason we saw the significant jumps. This year we are going to do every third through eighth grader in math as well.

We also focus a lot on gains, not so much on absolute test scores but how much improvement are individual students and schools making at both the high school and elementary level. And then, finally, we try and be absolutely transparent with our accountability.

We are publishing a high school score card, and starting next year an elementary score card where every school is rated on a series of metrics and rated against their own past performance. So every school is competing to try and get better relative to what they did historically, and we think that transparency in getting greater information out to parents will help us continue to improve.

I would like to thank both the state board and Department of Education for their collaboration in a couple of critical areas for us. We make the very difficult decision each year to close a handful of schools for academic failure. This past year we opened 22 schools and closed 5.

We were able to prioritize those students coming out of those closed schools under the No Child Left Behind Choice Program. It is critically important to try and give students who have been poorly served academically great options, and we appreciated the flexibility there.

Second, and this was a huge, huge breakthrough, at the start of last school year Secretary Spellings came to Chicago and announced that we as a district would be able to continue to tutor children after school, and that after-school program is hugely important to us. Tutoring is a huge part of our overall academic strategy, and we were very, very thankful for that opportunity. I am convinced we would not have seen the kind of success and results we saw this past year had that not happened.

And then, third, is we are trying to dramatically improve the rigor of instruction at the high school level. You have given us some flexibility in allowing the high school transformation plan to be part of our restructuring efforts, and we greatly appreciate that.

So we are very, very thankful for those efforts, and we are very excited about the teacher incentive fund grant and are applying to really try and make Chicago a centerpiece for that initiative going forward, because we want to continue to get the best talent where it is needed most and see it as a huge new opportunity.

Going forward there are a couple of areas we would like to continue to improve and work together. We are often trying to challenge the status quo and do things a little differently, and we want to maintain that flexibility and then hold ourselves actively accountable. Secretary Spellings understood that we should be able to continue to tutor our students, because we have data showing those students that received our tutoring were doing much better than students that weren't. And so we want to continue to be held accountable for results, but also given the opportunity to do the things the right way.

And second, and this is I am sure a challenge as you go out and talk nationally, it is just the resource issue. Unfortunately, here in Illinois we have some severe challenges. First of all, 85 percent of our students here in Chicago live below the poverty line, so we are dealing with students who have tremendous needs.

Unfortunately, Illinois is 49th out of 50 states in the amount of money going to K through 12 education. It is a dismal funding record. And as we continue to try and improve and continue to hone our academic strategies, we would love the resources to help us continue to even accelerate at a faster level the rate of change.

We have tried to keep our administrative expenses to an absolute minimum. It is down to 4.2 percent of the overall budget. We took $25 million out of Central Office and unfortunately laid off hundreds of people and gave everybody a pay freeze, so we are really trying to be fiscally accountable and responsible. We have had 10 years of balanced budgets. But as we have continued to get better, each year we have less and less resources to work with, and that has been very tough.

There are five very quick areas I would like to mention that we would love additional support on. First would be full-day kindergarten. That doesn't exist in this State, and we would love additional support. We think it is mind-boggling that children don't have access to full-day kindergarten. For our system, that would be about $30 million.

The tutoring program, which has been just a wonderful part of No Child Left Behind, again has driven some of our improvement. We are the only district in the country that consistently has waiting lists, and last year we served only 58 percent of the students who signed up for tutoring. We served 43,000 students out of about 75,000. And to serve every child would take an additional $47 million. And to me it is heartbreaking that children who need help are asking for that help, and we are not able to provide it at the level that we need to.

We have been we think much more proactive and aggressive in science, and so we are really pushing this after school tutoring model in other districts around the country. We would love more help there.

We have tried to put reading specialists in the local forming schools, and that is part of the reason we are getting so much bet-

ter, and we would love additional resources to drive that. As we continue to restructure schools, additional support there would be helpful.

And then, finally, this is a tough one, is the capital issue. We need to continue to build new buildings. The last 2 years we have received no money from the State for capital improvements. And as we continue to try and provide choice and provide new options for students, it is difficult to do that when you don't have enough available high quality seats. So that would be a fifth area that we would love additional support.

I will stop there. Thank you very much.

[The prepared statement of Mr. Duncan follows:]

Prepared Statement of Arne Duncan, Chief Executive Office, Chicago Public Schools

My name is Arne Duncan and I am the Chief Executive Officer of the Chicago Public Schools. I thank you for the opportunity to speak to you today about the No Child Left Behind Act. Before I start, I would like to thank each of you for your support and leadership. I also want to thank you for recognizing the importance of reexamining NCLB to learn what works and what could work better.

Breakthrough Results

Since Mayor Daley took responsibility for the Chicago Public School system in 1995, the district has been holding schools accountable for improving student performance. CPS has closed under-performing schools, dismissed under-performing principals and has sent a clear message that schools must make continuous progress.

After more than a decade of strong leadership and accountability, we are on a winning streak. The percentage of students meeting state standards has steadily increased. Graduation rates and attendance rates are up; dropout rates are down.

But we will not be content until we reach every child at every school. In 2005, our district set ambitious five-year improvement goals inspired by the rising expectations of No Child Left Behind. We asked ourselves what it would take to get there. The answer is The Power of 2. To meet these goals, each teacher needs increase the number of his or her students meeting state standards by two.

I am proud to announce that our elementary schools achieved The Power of 4! This year, four more students per classroom met state standards compared to last year. In reading, 60% of students are meeting standards, compared to 39% in 2001. In math, 65% of students are meeting standards, compared to 35% in 2001.

I am also thrilled to announce that our high schools will not be left behind. Our high school students reached an all-time high on ACT scores. CPS' average ACT scores have increased every year for the last four years. The gains of both our elementary and high school students have outpaced the rest of students in Illinois. Our success is truly remarkable for a school system where over 85% of the students come from low-income families. We are closing the achievement gap.

Staying on a Winning Streak

We are excited about our progress, but we are not satisfied. We know we cannot rest until we reach every child at every school. That is why we have ambitious plans to match our ambitious goals.

First, we are continuing to set high expectations. Within the last year, CPS created School Scorecards. The scorecards define what matters to the district. The scorecards then compare performance to district, state and national benchmarks. They are distributed publicly, to schools, parents and community members. The scorecards represent an unprecedented level of openness about our expectations and our progress. Within CPS, we continue to monitor the Power of 2 targets. At every level-teachers, principals, administrators-we know what we have to achieve.

Second, CPS is making a huge effort to provide the data needed to the people that need it, when they need it. We are implementing benchmark assessments in reading and math. These are mid-year tests that identify students in need of extra support well in advance of statewide tests. We are surveying our students about their school's learning environment and giving this information to principals. We are building student and employee information systems that will provide laser-like support to teachers.

Third, CPS is providing targeted support and accountability at all levels. Our high-performing schools receive autonomy from district oversight. Our middle-tier schools receive intensive support from curriculum coaches and instructional leaders. Those schools that continue to struggle are subject to staff removal or closure.

A Successful Partnership

CPS and NCLB clearly share the same goals. Over the past five years, we have worked to integrate our efforts with the requirements of the law. We want CPS policy and NCLB to re-enforce each other. This has been hard work for us. But the effort has been largely successful. And the success is, in no small part, due to the partnership CPS has had with the U.S. Department of Education and the Illinois State Board of Education.

Here are a few examples of this partnership. With Choice, CPS faces a huge gap between supply and demand. Tens of thousands of students are eligible. Only a few hundred slots are available because our high performing schools are already full. CPS worked with ISBE to give priority to students in schools CPS closes due to low performance. Thus, the displaced students have the opportunity to attend some of the best performing schools in the city.

On Supplemental Education Services, DoE extended CPS a "flexibility agreement" regarding the district's tutoring program. We provided DoE research that demonstrated that the CPS program was just as effective as the private SES providers and for about one-third of the cost. DoE then approved a pilot allowing CPS to continue to provide district-sponsored tutoring even though the district is identified as "in need of improvement" under NCLB. As a result, thousands more students received tutoring than otherwise would have been possible.

On Restructuring, ISBE has sent out guidance that significant curriculum change can qualify as Restructuring. As part of our High School Transformation Initiative, we are rolling out a unified curriculum to 15 new high schools each year for the next five years. We cannot do this overnight. ISBE's decision gives us the time we need to do it right.

Making NCLB Better

CPS has been innovative in adapting NCLB's school improvement framework to re-enforce our efforts. These innovations were possible because DoE and ISBE demonstrated real flexibility. Congress should maintain NCLB's framework of high expectations and accountability. But it should also amend the law to give schools, districts and states the maximum amount flexibility possible-particularly districts like ours with a strong track record of academic achievement and tough accountability.

Chicago Public Schools has made progress despite significant financial challenges. We compete with much wealthier suburbs for the best and brightest teachers. Because we have a large number of poor and special needs children, our per-pupil educational costs are high. We inherited schools that were falling apart after decades of neglect.

The citizens of the City of Chicago have made huge sacrifices to help move CPS towards its goal of being the best urban school district in the nation. Their property taxes have increased to the Illinois legal limit nearly every year to keep our schools competitive. Chicago taxpayers are supporting a $4 billion capital program to rebuild our schools.

The Chicago taxpayers understand that they will continue to shoulder much of the burden needed to maintain our winning streak. Among states, Illinois ranks 49th in the proportion of total educational costs it covers. The No Child Left Behind Act provided an infusion of funds initially, but restricted the uses of the funds.

This year, the House Appropriations Committee approved flat funding for many educational programs. We estimate this will result in an $8 million decrease in funds for Chicago Public Schools. We are on a winning streak. We don't want a lack of financial support from Congress to slow us down.

A few years ago, a small number of health advocates started pushing for the budget of the National Institutes of Health to double within five years. At first it was a dream. A few in Congress began to recognize the extraordinary opportunities that were within reach due to medical advances. Curing cancer. Preventing blindness. Eradicating AIDS. Then it was a long-shot. The effort picked up steam as more and more people realized how previous investments had paid off. Then it was a fight. One-by-one, people joined the cause. Until it happened. Congress doubled the funding for medical research in five years.

Funding education is simply the best long-term investment Congress can make. Money invested now will pay us back for decades. So today I am going to challenge Congress to show the same confidence it showed for medical research. My challenge is this: double the funding for NCLB within five years. Here is what you will get

in return: presidents and pilots, doctors and diplomats, electricians and engineers. You will get the next generation of citizens ready to survive and thrive in the 21st Century.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

Mrs. BIGGERT. Thank you very much. And if we don't have the opportunity for questions, if you have to leave, I just want to congratulate you and Mayor Daley for all that you have done. And I know he has been such a supporter of education, but the things that we hear all the time, you have really done a great job. Thank you.

Dr. Ruscitti, you are recognized for 5 minutes.

STATEMENT OF DARLENE J. RUSCITTI, ED.D., REGIONAL SUPERINTENDENT, DUPAGE REGIONAL OFFICE OF EDUCATION

Ms. RUSCITTI. Good morning. Thank you for the opportunity to be here. I work for the DuPage County Regional Office of Education. It is the second largest county in the State of Illinois. We have approximately 164,000 students and 12,000 educators that my office helps to serve. Our office has two major responsibilities, one in the way of regulatory and compliance; the other is in the way of service and support. Sometimes it sounds like an oxymoron there, but it really does work in many respects.

Our school demographics in DuPage continue to grow. We are looking at tremendous changes in our populations. We have 70 percent of our population right now as white, we have 6 percent as black, we have 10 percent as Asian, and 14 percent as Hispanic. We are the fastest growing—DuPage County has the fastest growing Hispanic population in the State of Illinois.

What I believe is about to happen with No Child Left Behind and in future, you know, tweaking of it, changes in it, I think is monumental for the future of not only our schools, our educators, but most importantly our children and also our nation.

The comments that I want to make, I want to set some context for them first of all. I have been with this regional office for about 15 years in DuPage County, and I would say that we have seen a lot of things come and go. We have seen fads come and go. We have seen, you know, jumping on the bandwagon with one thing or another. We have seen some good legislation at the State level, too, come and go, you know, as well.

We have also seen some great presenters come in and, you know, they fly in, you know, spend a couple of days, and consultants and work with our schools, and then they fly out. And boy, you know what, that was just really great, all these things that, you know, we have done.

But the bottom line I really do believe is that there is not a magic bullet. You know, we have sat around, and we have—you know, we have been wringing our hands and saying, "What is it that we are to do? You know, legislation here doesn't work for us. This doesn't work for us. What are we here to do?"

So I would just like to say that one of the most important things that I believe that No Child Left Behind has done, it has said to educators, it has sent a message, and I can say this for DuPage

County educators, it sent a message to us that said, "Yes, you are the educators, you are the experts in the field, so figure it out, what needs to happen with No Child Left Behind. Figure out how this can work for all kids."

So I think that there the gauntlet has been laid down for educators, and we are—and I think we have risen to the occasion. You know, there is a challenge there before us, and this is our belief system, that every child can meet or exceed state standards. So I have been asked, you know, what have I seen in DuPage County that has—you know, what has been going on in DuPage.

You know, again, I am going to go back very quickly to our demographics. It is very typical today to have a classroom of 25 to 30 students each child being unique. I don't even know when we talk about regular children anymore what a regular child is in the classroom, because we really do try to meet the individual needs of each of our children. But it is very likely in a classroom of 25 to 30, you know, to have four behavioral disorder children, you know, to have, you know, several learning disabled children, to have children, four or five children that, you know, are English second language learners. So there is gifted children in our classrooms. So there is great diversity within our classroom.

Thus, that is really our challenge, one of our greatest challenges. How do you meet the needs of all of these children? But I do, again, believe that No Child Left Behind has put a spark, has lit, you know, somewhat of a fire under educators, because we are very competitive, and we want to make sure that every child is meeting or exceeding state standards.

We had said for a while in DuPage County previously to No Child Left Behind, "Aren't we good?" Eighty-five percent, 90 percent of the students in our school are meeting or exceeding state standards. But the reality is one of the things NCLB has required us to do is look at all kids, and that to me is one of the most important things that it has done. We dig down and drill down deep with our data, and we look at all children. And so I think that has been extremely powerful.

Another very important piece I believe has been very powerful is because of No Child Left Behind and our figuring it out. And, you know, it has been the working with each other. It is creating the kinds of learning environments and learning communities in DuPage County where we are learning from each other, where we are—and this is one of the first times that I have seen it in the 15 years.

You know, we are kind of very territorial, we protect our district, we protect our area. You know, we are good, we don't want to share sometimes with other districts, because you know what, they may look better than us on those scores. But you know what? What this has done, I believe, whether it is a natural progression of our profession or NCLB, but it has really said very loud and clear, you know what? We are going to learn from each other. There is best practices everywhere.

And how do we pull those best practices in? How do we learn from each other? You know, where I see a teacher, you know, may not have the best score in a geometry concept on the—you know, on our state assessment, and they will run over to the classroom

next to them and say, "You did, what did you do?" that is the kind of a learning environment that I think that we are moving toward. And I think it has been very encouraging.

I do want to bring up that in DuPage County, in collaboration with the 42 school districts in DuPage County, we have come up with what we call the DuPage I Initiative. And the DuPage I Initiative has two connotations. One of the connotations is, one, we are united as one to work together on behalf of all of our children, to learn from and to learn with. The second connotation is—and this comes from our belief system—we believe that DuPage County will be the first county in the country that every child will meet or exceed state standards.

So we are working on twofolds—one, you know, what we need to have happen, but also on our belief system. And I think that that is huge to—you know, to again get at the heart of what it is that we are trying to do.

Just very quickly, some of the things—and this is in my conversations with many educators and administrators in DuPage County, some of the things that we have seen work. And, again, it is looking at data, getting everyone to understand what the data means. And that includes parents, that includes children, to take a look at their data and how can they improve their scores, how can they improve and get better at what they do.

This is not just the schools doing this, but they are sharing that with, you know, their community and also with their parents and also with their children. So the understanding of data has been huge.

Another area is still realignment, that classroom alignment with our state standards, with best practices of instruction, and not just alignment with the state assessment but really looking at formative assessment, looking at best practices in formative assessment, so by the time that state assessment comes in March and April, you know what, we have had some practices at this as well, too, and feedback and monitoring, etcetera, etcetera, and adjustment on instructions, too, so that we can get better and better at what I do.

And there was another component to this DuPage one, many components to it, but another one I want to highlight. We call them our walkthroughs. It is visiting and having teachers visit classrooms and looking in each of those classrooms and being set up against some criteria that shows what good instruction, you know, looks like.

One other very important area is in the area of professional development. You can talk to any school in DuPage County that their scores are improving, they will say they put the time and the effort into their professional development.

The down side of it is is the funding for professional development. It is just not there, so teachers are having to try to find each other wherever they can, running from classroom to classroom, to try to see what did you do to improve, as opposed to some formalized very kind of best practice type of process, you know, to engage each other in.

And I just wanted to share a couple of other, just in conclusion, too, so I have seen lots of good things happen. And I do not believe that there is an educator or an administrator in DuPage County

that would not agree with that. But there still are some issues, and I do believe we still need a better—we still need to better market No Child Left Behind. Our parents still don't understand. As sophisticated as some of them are, they still don't understand what NCLB is all about.

I think our media has a little bit to do with that, because, you know, we still see schools labeled, you know, as failing schools if they are not meeting adequate yearly progress. And that just itself, you know, I think sets up, you know, some definite shockwaves amongst, you know, for our schools.

Another thing, this is, I think we also need to look at No Child Left Behind in a broader context, not in isolation of, but in collaboration with the other great things that schools do. There is a lot of things schools do that I think our communities are very proud of, but they never get mentioned. The work that happens in civic education, character education. If we can find a way to work with our states, and have report cards that are reflective of both academic and demographics, but also reflect some local flexibility and what is really working that is at the heart in other areas as well, too. For example, service learning again, too.

If we can be more inclusive in the way we do our report cards, and showcase to our communities, yes, we are very much about academic, we are very much about, you know, lots of other types of things, but, and here are some things that are really important to our community. So it has some local flexibility as far as it comes to our school report card, and really measuring what matters within our communities.

I already mentioned the professional development. We really do need—we need to really move from a focus on testing to a focus on learning and putting some dollars there as well, and then also, too, if we could just showcase in the future progress that we are making on our student assessments as opposed to just you have got to be here at this time at this place, you know, in time, and just show some progress.

Thank you.

[The prepared statement of Ms. Ruscitti follows:]

Prepared Statement of Darlene Ruscitti, Regional Superintendent of Schools of DuPage

Thank you for allowing me the opportunity to be here today. I know that there is much discussion in DuPage County regarding the reauthorization of NCLB and I believe this will be one of the most important education issues facing our nation. What follows next will matter tremendously to our schools, our teachers and, most importantly, our children and our nation.

While there are groups out there that hope NCLB will go away entirely, others want it greatly altered, more factions want it massaged and made more flexible, and still others believe it should be strengthened. Through a recent strategic planning process that DuPage County Government engaged in with the community, it was noted that one of the greatest assets the county has is its education system. However, there remains a concern that our children will not all be prepared to compete in a global society, and that higher standards need to be in place. With this said, I still am not sure that there will ever be enough evidence on one side or the other to fully convince our legislators to abandon or enhance NCLB.

During my fifteen years with the Regional Office of Education in DuPage County, I have seen education fads come and go; I have seen well intended statewide legislation on education issues appear and disappear, and I have seen expensive and influential consultants drift into town and float away into obscurity the next day. As a result, educators have become disenchanted, frustrated, and willing to retreat to a

place where we feel safe—in our classrooms, with the doors shut, until the rest of the world figures it out or until the magic bullet is found.

However, part of the problem in education is that there is no magic bullet. There is no template that says here is how it should be done. There is no quick fix. We also spend far too much time voicing our concerns rather than being proactive and creating our solutions. From time to time, we sit around and ring our hands and say "no one respects or understands us" no one knows what we do", "with so many mandates how can we teach?" "first, the state is telling us what to do, and now the federal government is telling us what to do. What are we to do?"

We have also seen tremendous changes in our society that impact the classroom and are oftentimes ignored by our communities and decision makers. It is very possible today for a teacher in DuPage to have 25-30 children (all gifted, of course) with 4 being identified as gifted, 4 learning disabled students, 4 English Language Learners, 1 identified homeless student, 2 behavior disorder students, 3 students of a working single parent, 2 students identified as "low income" and a few other "regular" students, each with their own uniqueness. Issues of mobility, truancy, drugs, crimes, mental health problems, etc. continue to increase and impact our classrooms. This has not always been the reality in DuPage, but it is today.

Again, there is no magic bullet! Sitting around complaining serves no purpose, and the children we have in our classrooms are the children we have in our classrooms. We can't exchange or return them, nor would we want to. Here is what I believe NCLB has done for DuPage County: it has pushed us to the next level and told us to "figure it out", "you are the experts—you told us that you are—and we believe you; now go forth and show us what you can do." To a certain degree, it has empowered and challenged us.

As educators, we are rising to the occasion. We are figuring it out! We have been figuring it out for some time; and NCLB simply pushed us into doing it a little quicker, and for all students. Educators from all disciplines, content and grade levels are talking to each other about instruction. Bilingual education and special education educators are talking. Behavior disorder teachers are getting involved in curriculum. I would venture to say everyone is talking about teaching and learning, together.

DuPage County, itself, has extremely high standards. The demands on our schools, teachers, students, and administrators to produce are unbelievable. We would never intentionally leave a child behind. It is the very essence of the work that we do. However, we did leave children behind. We have, in some cases, 90% of our student population meeting or exceeding state standards. We are good! Nevertheless, if you were a student in the 10% bracket that wasn't meeting standards, you were left behind. NCLB forced us to look at all of these students. We are good, but not great!

So, what have we been doing? The Regional Office of Education is facilitating an initiative called DuPage1. It is a collaborative partnership between the Regional Office of Education, other professional organizations, and the schools in DuPage County. The title of the initiative has a dual meaning. The first is that we are united as 1 to learn with and from each other. It is pulling together best practices from around the county, state, and country. It is the concept of the learning community where teachers learn from each other in a professional and collegial manner, talking about their profession, their students, and their students' work. DuPage1 reinforces attention where attention should be: on instruction and learning.

The second meaning of the initiative is that we strive to be the first county in the nation, by 2014, to have every child meet or exceed state standards. NCLB has also required us to re-examine our belief system, and the students came out on top!

There are major components to the DuPage1 Initiative which include:

One major component is in revisiting the Illinois Learning Standards through a Regional Office of Education statewide initiative called the Standards Aligned Classroom (SAC) Project. ROE-trained facilitators and coaches work with school teams, studying and implementing the best practices of a standards-led classroom. SAC training and support helps teachers determine clear and appropriate learning targets based upon the state educational standards. Participants learn from each other through observations, action research, questions, experiences, and best practices. Most importantly, it teaches teachers how to use assessment for learning through continuous feedback. It also requires students to be involved in the assessment process.

The second component, and in my opinion one of the most important, is the facilitation of Data Retreats in schools: learning how to analyze data and use for improvement purposes. A most critical step in looking at all students' progress is examining the local data in a variety of areas that include academic, programmatic, demographic, and perception data in order to develop future goals and action plans.

Data does not just end up in the hands of the teachers and the principals. Students are taught to track their own data, set goals for improvement, and take action steps. We have seen students come in at 7:30 a.m. for tutoring on their own to improve their scores. They understand why it is important and are taught to be facilitators of their own learning. Parents are also being taught to work with their children's data and are provided with tools and resources to assist their child at home.

Another major component of the DuPage1 Initiative is Focused Walks. This process assists educators in developing the skills to observe instruction and create mathematical and literacy profiles of school-wide instructional practices. It teaches educators how to use the profiles to engage faculty in discussions about instructional change and school-wide instructional goals.

The fourth major component is more of a best practice and places the emphasis on professional development. We know quality professional development for teachers and administrators has to be on-site and inclusive. The professional development most frequently requested is in the area of interventions. In addition to classroom interventions and strategies, tutoring, before and after school programs, early intervention, and response to intervention techniques are all proving valuable.

If you were to ask any curriculum leader or principal in DuPage what they see as the most important factors of why their scores increased (and scores in DuPage have improved; however, data is not available at this time), they would say it is a result of implementing the above strategies.

NCLB, from my perspective, challenged educators to raise the bar, to move from being good schools towards being great schools. We can meet this challenge by creating long overdue learning environments that encourage intensive ongoing professional experiences to build content knowledge and use of research based instructional strategies.

NCLB is a road map for school improvement. U.S. Congresswoman Judy Biggert has been most cordial in listening to numerous groups of educators and others on this topic. A number of DuPage County Educators have also met several times with Senators Durbin and Obama, as well as Congressman Hastert and Biggert, most recently in March, 2006. Included is a copy of the notes from that visit.

Many of our concerns with NCLB could be better addressed if there was an improved marketing strategy for the public. The public simply does not know what most of it means and, in some cases, does not care. The media tries to explain but they label schools as failing if they do not make Adequate Yearly Progress. In addition, great emphasis is placed on one assessment. The focus, as a result is on failure and not the emphasis on best practices in teaching and learning and continuous improvement.

Schools are so much more than just being about standardized tests. They are about the teachers that pull their resources together and buy used furniture and appliances for the needy family in town. Schools are about working together to develop assessment instruments for measuring the physical fitness of their children so they can better meet their health needs. Schools are about teachers volunteering their time at their community resource centers, tutoring students after hours. Schools are about meeting the social and emotional well-being of their students that no one instrument can ever measure. To be judged on our value and quality by our communities on a sole instrument is really not fair. As a result, the sanctions placed on schools not meeting AYP are demoralizing and detrimental to what we are trying to accomplish.

I am proposing to our state legislators that we re-think our school report card. I suggest one-third of the report card be available to school districts to include value-added services in their schools for the children in their communities. Things like service learning, civic engagement, and fitness could be included depending on the school's focus and energies. Let's have a school report card that reflects our academic progress, customer satisfaction, and our community's return on their investment. Until we have a fair and adequate measurement system that reflects the complexities of the realities of teaching and learning, we are at the mercy of the media and those that believe public education is doomed to failure.

In conclusion, to date NCLB has certainly done more good than harm. It has propelled educators to create environments that support a community of learners, for all learners. We still must resolve to do better, not because of any federal legislation but because we owe our best efforts to instill within each other the traits of our knowledge and skills and character that allow us to lift up every child that enters our doors.

Mrs. BIGGERT. Thank you.

Dr. Kimmelman, you are recognized.

STATEMENT OF PAUL KIMMELMAN, SENIOR ADVISOR, OFFICE OF THE CEO, LEARNING POINT ASSOCIATES

Mr. KIMMELMAN. Good morning. Thank you for inviting me to appear here today on behalf of Learning Point Associates. Learning Point Associates has Federal contracts to operate the Great Lakes East and West Comprehensive Assistance Centers, the National Comprehensive Center for Teacher Quality, and the Regional Education Laboratory Midwest. All are guided by the mission of assisting with the implementation of the No Child Left Behind Act.

I have also had the opportunity to work as an adjunct instructor at Argosy University that has campuses across the United States, and by teaching online have found that students with a national perspective on NCLB have become more supportive of it when they gain greater knowledge about the fundamental principles.

I would also like to offer a special acknowledgement to Congresswoman Biggert for her encouragement for Learning Point Associates to establish an NCLB implementation center. That center has been piloting work with school districts and assisting them with using data-driven decisionmaking to improve student achievement, planning research-based professional development to improve the quality of teaching and helping them comply with the highly qualified teacher provisions of NCLB, and also the opportunity of working with Brian, and the Committee, with Amanda.

Representative Davis, I have had the honor of working with Jill Hunter Williams, your senior legislative staff member, and am well aware of the education task force work you have been doing. And, Representative Scott, I have had the opportunity to meet in your office last year with your staff to discuss the education work in Virginia.

Today I would like to briefly focus on six points that are informative for this hearing. More detail regarding those points can be found in my written testimony.

First, Congress should stay the course on its policy to transform American schools and ensure a quality education for every child. You have begun the long-term process of improving American education through a bold, bipartisan policy initiative that was needed to bring the type of accountability you are seeking for schools. Since the Soviet Union launched the first space satellite in 1957, and Congress said our country was falling behind because of our education system, there have been numerous recommended education reform initiative with very limited success.

Clearly, America's schools must move from their traditional industrial model to one that evolves consistently and is adaptable to new education research and programs that are proven to work. Without Congress raising the stakes for schools to concentrate on improvement through NCLB, much of the good reform work going on in schools today would not be as prevalent. While unfortunate, it is difficult to reform a system without consequences.

Second, there will continue to be a significant need for more education, research, and development to provide the knowledge and support state education agencies and local school districts require to effectively meet the needs of education of America's students. Congress and the U.S. Department of Education are to be commended for the new plan for research through the Institute of Edu-

cation Sciences and technical assistance through the comprehensive assistance centers.

Rather than make major changes to the law, be patient and make small changes based on logical evidence-based recommendations. Some of the needed changes that Congress should address are the adequate yearly progress requirement. For example, depending on the timing of the reauthorization, there could be a significantly large percentage of schools not making AYP that are for the most part good and effective schools. The reason for this phenomenon is the larger percentage increases under AYP in the states coming in the later years of the 12-year goal for 100 percent proficiency.

If the requirements and sanctions are not modified and the reauthorization is delayed beyond 2007, it is possible that a large number of schools will fall under the more punitive sanctions in communities that will actively oppose them rather than focusing on the needs of the students who were intended to be protected by NCLB.

Fourth, the highly qualified teacher provisions under NCLB are creating more substantive discussion regarding what really constitutes a highly effective teacher. During reauthorization, it may be that evidence-based recommendations will emerge and contribute to even better provisions to determine not only who is highly qualified but what might be effective teaching as well.

Fifth, to take the domestic NCLB policy to a more global concept, Congress should consider connecting the dots to ensure that U.S. education is about preparing students for the 21st century global competitiveness that it has discussed this year. The traditional school model of today is in need of visionary thinking that makes use of technology and research in new and different ways.

Sixth, it would be my suggestion that Congress now focus on the big policy picture and delegate more responsibility to the Secretary of Education to make more specific detailed decisions with respect to implementation, and, when appropriate, to tweak the rules and regulations to ensure a smoother implementation of the law.

As you begin the next reauthorization, it would be meaningful to incorporate the concept of knowledge-based solutions in conjunction with the work of the Institute of Education Sciences and other organizations working on credible research and development that will help educators be more successful in implementing the accountability provisions of NCLB.

Thank you.

[The prepared statement of Mr. Kimmelman follows:]

Prepared Statement of Paul Kimmelman, Senior Advisor, Office of the CEO, Learning Point Associates

Good morning, members of the committee, and thank you for inviting me to appear here today on behalf of Learning Point Associates, a nonprofit educational organization. Learning Point Associates has federal contracts to operate the Great Lakes East and Great Lakes West Comprehensive Assistance Centers, the National Comprehensive Center for Teacher Quality, and REL Midwest. All are guided by the mission of assisting with the implementation of the No Child Left Behind Act and, ultimately, to work in partnership with educators to ensure successful high-quality education opportunities for all students regardless of ethnicity, disability, socioeconomic status, or where they happen to attend school.

I would like to offer a special acknowledgement to Congresswoman Judy Biggert for her encouragement for Learning Point Associates to establish an NCLB Implementation Center. That Center has been piloting work with several Illinois school

districts as well as districts in Wisconsin and Indiana. We are assisting those districts with using data-driven decision making to improve student achievement, planning research-based professional development to improve the quality of teaching, and complying with the highly qualified teacher provisions of NCLB. We also are working within the policy framework of NCLB to offer informed consultation to those districts so they can make recommendations to Congress when the Act is reauthorized.

I have been asked to discuss today the elements of NCLB, particularly in Illinois, that are working and the areas that may need to be improved. It would be safe to conclude that the NCLB challenges confronting Illinois schools are similar to those in other states. Therefore, most of my comments will be more general in nature unless I specifically refer to an initiative in Illinois.

First, I have had the good fortune to work in an organization that is committed to helping educators use evidence-based solutions to raise the achievement of their students. I also work as an adjunct instructor at Argosy University, a nontraditional for-profit university with campuses across the United States. Because some of Argosy's classes are taught online, these education students can share a national perspective on NCLB issues. I have found that when these students reflect on the law and gain a greater understanding of its provisions, they tend to be more supportive of it. Finally, as an organizational member of NEKIA, the National Education Knowledge Industry Association, I am working with colleagues from a variety of organizations who are pursuing knowledge-based solutions to education issues.

Rather than attempt to "broad brush" the entire law today, I will focus on a few points that I believe are informative for this hearing. More detail regarding these points can be found in my written testimony. Those points are as follows:

1. Congress should "stay the course" on its policy process to transform American schools and ensure a quality education for every child. Although NCLB has its critics, you have begun the long-term process of improving American education through a bold, bipartisan policy initiative that was needed to bring the type of accountability changes you were seeking in schools. The fact that 381 Representatives voted for NCLB indicates that it was an important national issue in the House.

2. Although you have often heard the request for more funding, what you are seeking from NCLB will require a greater investment in research and development to provide the knowledge and support state education agencies and local school districts will need to truly meet the educational needs of the highly diverse learning requirements of America's students. Congress and the U.S. Department of Education are to be commended for the new plan for research through the Institute of Education Sciences and technical assistance through the Comprehensive Assistance Centers. The structure for implementation may take some time, but it is fundamentally sound. The real issue is whether there will be enough funding to support creating new scientific knowledge about education and moving it to the field.

3. As you prepare to reauthorize NCLB, keep in mind that systemic change of this type takes time. Rather than make major changes to the law, be patient and make small changes based on logical, evidence-based recommendations. You have come too far in the process—and states and schools have started to make the required changes needed to comply with the law—to radically change NCLB and expect everyone to start over again. Some of the needed changes should address the adequate yearly progress formula and how it is calculated for students to be successful, the provisions for a highly qualified teacher, the sanctions concept to make it more practical and definitive, and "connecting the dots" to ensure that U.S. education is about preparing students for the 21st century global competitiveness that Congress has discussed this year. The traditional school model of today is in need of substantive, visionary thinking that makes use of technology and research in new and different ways.

I would like to begin by saying perhaps the most important point to emphasize regarding the implementation of NCLB—not only in Illinois but across the nation—is that Congress in a significant bipartisan cooperation raised the stakes for schools to improve when it first passed NCLB. In a book I wrote on NCLB that was released at a Capitol Hill reception this year, I noted that since the Soviet Union launched the first space satellite in 1957 and Congress said our country was "falling behind" because of our education system, there have been numerous recommended education reform initiatives with very limited success. Many of those recommended reforms were correct in their call for states to implement rigorous academic standards and valid assessments to determine if students were meeting them. States also have been called on to eliminate achievements gaps and ensure that students from all demographic groups are successful in school as well as to help America's teachers be well trained and qualified to meet the needs of 21st century students. It isn't a coincidence that those reform recommendations finally found their way into a fed-

eral law that ensured a serious commitment to the reforms by those who are recipients of federal funding. Clearly, America's schools must move from their traditional industrial model to one that evolves consistently and is adaptable to new education research and programs that are proven to work. Without Congress raising the stakes for schools to concentrate on improvement through NCLB, much of the good reform work going on in schools today would not be as prevalent. While unfortunate, it is difficult—if not impossible—to reform a system without consequences. It took the vision of a bipartisan Congress to initiate the reform process, and it is that vision that will help make future adjustments to the law to make it more effective based on the evidence and professional wisdom of those who propose changes during the reauthorization process.

With nearly 15,000 public school districts in the United States and approximately 900 in Illinois, it would be more speculation than fact to state exactly how the implementation of NCLB is going. However, there is no doubt regarding the work that schools must do—and in most instances, are doing—to successfully meet NCLB provisions and comply with the fundamental underpinnings contained within it.

There is a much greater emphasis by educators on using appropriate data to inform decision making for monitoring the academic progress of students. There is more recognition of the need for ensuring that qualified teachers are teaching core subjects and that they are better distributed throughout all schools and districts. Although the process is not moving as rapidly as hoped, there is evidence across the nation that progress is being made on these two critically important tasks. That is the plus side of the coin. Congress got it right when it illuminated these two critical responsibilities as undeniable requirements for high-quality schools.

I also think it is appropriate here to weave in what could be improved. It is likely that when Congress reauthorizes the law, it will be presented with a number of new ideas or concepts to determine the adequate yearly progress of students. There is considerable discussion regarding value-added assessments and not relying on one test to determine AYP. That discussion should be recognized as a positive result of the NCLB implementation process. Listening to witnesses offer evidence-based ideas on how to monitor the progress of students using data in different ways only means that the education profession is maturing and improvement should be ongoing.

The teacher qualifications provision under NCLB is creating more substantive debate regarding what really constitutes a highly effective teacher. The starting point for the debate was NCLB and the key provisions for a highly qualified teacher: a bachelor's degree, full state certification, and subject-matter competency. During reauthorization, it may be that other evidence-based suggestions will emerge and contribute to even better provisions to determine not only who is highly qualified but what might be effective teaching as well. Regardless, there is clearly more discussion needed on how to improve the preparation of teachers, their ongoing professional development, and alternative pathways for those who want to become teachers. I had an opportunity to meet with U.S. Representative George Miller on this topic, and his passion for helping teachers be more effective is sincere and legitimate.

By working diligently with some pilot districts, the NCLB Implementation Center at Learning Point Associates has learned in real time and real situations how difficult it is to implement research-based professional development. Our pilot school districts, while geographically located in a relatively small Midwestern area, have demonstrated to us the importance of being able to customize our work to meet their unique needs.

So, as far as data and highly qualified teachers are concerned, I see the glass as half full. Congress was correct in finally ensuring that the Elementary and Secondary Education Act was going to be implemented with integrity and accountability. It would be my suggestion that Congress now focus on the "big policy picture" and delegate more responsibility to the Secretary of Education to make more specific detail decisions with respect to implementation, and when appropriate, to "tweak" the rules and regulations to ensure a smoother implementation of the law.

For example, depending on the timing of the reauthorization, there could be a significantly large percentage of schools not making AYP that are for the most part good and effective schools. The reason for this phenomenon is the larger percentage increases under AYP in the states coming in the later years of the 12-year goal for 100 percent proficiency. If the requirements and sanctions are not modified and the reauthorization is delayed beyond 2007, it is possible that a large number of schools will fall under the more punitive sanctions in communities that will actively oppose them. This will result in those communities debating the law and not focusing on the needs of the students who were intended to be protected by it.

From a policy perspective, the Legislative Education Network of Dupage County—a group in Representative Biggert's Illinois district—has worked diligently to sup-

port NCLB and to propose changes to it based on evidence and the group's experiences in trying to implement it. This isn't a group trying to avoid its responsibility to all students.

In Illinois Congressman Mark Kirk's 10th District, the education advisory board recommended technical corrections to the law that are consistent with most of the recommendations being made around the country by education groups. Those recommendations include reviewing the "broad-brush" sanction provisions for schools that are making progress but perhaps not making AYP for a small subgroup, extending the time to meet the highly qualified teacher provisions for hard-to-staff subjects, and reviewing how many times one student can count in a subgroup.

In Chicago, School CEO Arne Duncan is pursing a number of reform concepts that will potentially result in continuous improvement in one of our nation's largest school districts. Mr. Duncan has offered visionary leadership to meet the goals of NCLB.

In the book on NCLB that I wrote, I suggested that it was more important to focus on building the organizational capacity in schools using a knowledge model than simply focusing on meeting the specific provisions of the law. My thinking is that school leaders need to emphasize systemic school improvement that is going to lead to improved student achievement, a better learning environment that motivates students to learn and remain in school, more sophisticated data systems to inform their work, and professional development for teachers that will help them be more effective. That means using knowledge acquisition, management, and implementation.

There have been a number of major U.S. companies that were faced with the possibility of going out of business, but they found a way to transform their work and compete in a global environment. Congress has set the stage for schools to improve and NCLB has begun to change the culture in education to focusing on improved achievement for all students. The light at the end of the tunnel is still distant, but it is getting brighter. By holding schools accountable and making reasonable modifications to NCLB during the reauthorization, by the year 2012 the United States may not have achieved the intended goals but will likely have made substantial progress toward them. It will take patience and I applaud you for your vision and leadership to ensure that all students in this country have an opportunity to compete in a global environment by ensuring they receive a high-quality education.

Let me conclude by saying that the last few reauthorizations of the Elementary and Secondary Education Act have been an evolution from standards to accountability. That process has consumed more than 10 years. As you begin the next reauthorization, it would be meaningful to incorporate the concept of using knowledge-based solutions in conjunction with the work of the Institute of Education Sciences and other organizations working on credible research and development that will help educators be more successful implementing the accountability provisions of the law. What is most important is that you remain patient but stay the course.

Thank you for the opportunity to be here today. Your commitment to education is important and your interest in knowing about the progress of NCLB is apparent through your willingness to schedule these hearings.

Mrs. BIGGERT. Thank you, Doctor.

Ms. Piché, you are recognized for 5 minutes.

STATEMENT OF DIANNE PICHÉ, EXECUTIVE DIRECTOR, CITIZENS' COMMISSION ON CIVIL RIGHTS

Ms. PICHÉ. Good morning to Congresswoman Biggert, Congressman Davis, and Congressman Scott. And thank you very much for this opportunity to testify today on implementation of No Child Left Behind. And also, I would like to take this opportunity to thank each of you members of the Committee personally for all you have done and your contributions to educational equity and to closing achievement gaps in your communities and across the country.

In passing No Child Left Behind, a bipartisan Congressional majority made an important and historic commitment to fulfilling the promise of Brown v. Board of Education that all children, regardless of race, ethnicity, or family circumstances, are entitled to equal educational opportunities.

NCLB is by no means a perfect law, but there is good news. As a result of No Child Left Behind, parents, teachers, and others now have unprecedented awareness of achievement gaps. Schools are paying more attention to all students, including historically disadvantaged groups, and not just those who maybe it was easiest to teach.

In many places, teaching and learning are improving. Parents have more options. Students who are below grade level are getting the extra help they need, and gaps are closing. And this is the good news, and it should be celebrated. We are truly making progress.

The bad news, however, is that with respect to implementation we still have a long way to go. And this is true especially with respect to what we consider to be the core civil rights or equity provisions in No Child Left Behind. These provisions include alignment of curriculum and instruction in high poverty Title I schools with high state standards. In far too many high poverty classrooms, expectations continue to be low, instruction is rote and dumbed down, and teachers are not using a curriculum matched to state standards.

Numerous parent right-to-know requirements—too many parents continue to be in the dark about their child's performance, their school's expectations and performance, and their child's teacher qualifications.

Parent rights to transfer out of low performing schools to better schools and to obtain free tutoring—we found through research we have been conducting over the past several years that schools and districts are continuing to put up roadblocks to parents' ability to exercise these options under the law, and that less than 1 percent of eligible students are able to transfer, and only 15 to 16 percent of eligible students receive supplemental educational services, notwithstanding the real progress here in the city of Chicago with respect to the tutoring program.

Finally, I want to highlight No Child Left Behind's very critically important teacher quality provisions. And I would like to zero in for the rest of my time today on implementation of the teacher quality equity provisions of the law and summarize for you a report we released in July, "Days of Reckoning: Our States and the Federal Government up to the Challenge of Ensuring a Qualified Teacher for Every Student."

It is our Commission's belief that teacher quality is a paramount civil rights issue. There is a growing body of evidence that tells us that teacher quality is the most significant educational variable that influences student achievement. Yet low income and minority students are routinely assigned less qualified teachers than their more affluent and white peers in neighboring schools and districts.

This includes assignment to poor minority students of teachers who have not obtained full state certification, those who are teaching out of field, and those who are brand-new to the profession, and experienced.

Earlier this summer colleagues of ours at the Education Trust released fresh evidence on the teacher quality gap in three states—Illinois, Ohio, and Wisconsin—and made similar findings. In this State, the Illinois Education Research Council compiled an overall

teacher quality index and applied it to a large data base of teachers in different types of schools, and the results were dramatic.

The higher the poverty rates or the minority enrollment of the schools, the lower the quality of the teachers. In fact, over two-thirds of schools that were over 90 percent in terms of minority enrollment had a teacher quality index in the bottom quartile, bottom 25 percent of the state.

In 2001, Congress recognized the teacher quality gap was a contributor to the achievement gap when it amended the Elementary and Secondary Education Act and required both states and districts to take immediate steps to close these gaps by ensuring that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, and out of field teachers.

If states and school districts had complied with these provisions of the law, and if we had had stronger leadership from Washington, we might have found that there would have been much more substantial closing of the achievement gap than we have had to date. Unfortunately, and we studied implementation of the teacher equity provisions of the law, the compliance with these provisions has been woefully inadequate.

And up until recently, we have had almost no leadership from the United States Department of Education in enforcing these provisions of the law. Some of the findings of our report include, for example, in the early years there was virtually no enforcement with respect to the teacher quality and equity provisions by the United States Department of Education. All state plans submitted as required by No Child Left Behind in 2002 were approved with virtually no scrutiny of whether the teacher quality components were even in the plans.

Many states got away with setting extremely low standards for teacher quality. States had incomplete, inaccurate, and misleading data, making the full extent of the gaps between high poverty and low poverty schools impossible to discern or understand.

As late as last month, the great majority of the states had not produced the comprehensive teacher equity plans that they were required to develop in 2002 when the law took effect. We made some recommendations in our report, and I have submitted those as an attachment to my testimony. Let me just highlight some of them.

Our first recommendation is that the Department of Education should be very vigilant and aggressive in its enforcement of the teacher equity provisions of the law. And by that we would submit that when states have not complied and not submitted a plan that is calculated to close the teacher quality gap within a reasonable period of time and in the not-too-distant future, we have recommended that the Department consider withholding state funds, litigation, and other action to ensure compliance with the law.

Second, we have recommended that states themselves, without prodding from the Department of Education but with prodding if necessary, act much more aggressively to reduce inequities in teacher quality faced by poor and minority students across their states, both within districts and on an intradistrict basis within the state.

Next, we would like the Department also to study and disseminate best practices in the areas of teacher compensation and incentives, professional development aligned with standards, management practices, and school leadership.

I would like to at this point, though, despite the fact that we have been critical of the Department of Education, commend Secretary Spellings and Assistant Secretary Johnson for their recent decision to move ahead with compliance and enforcement activity with respect to the teacher equity provisions of No Child Left Behind.

We would hope that this new attention to this issue would result in more vigorous enforcement, more state compliance with these provisions, and ultimately with significant gap closing with respect to teacher quality.

And finally, I would like to conclude by saying that our organization and many other education reform and civil rights organizations do recognize that No Child Left Behind calls on state and local and Federal officials, too, to do some very hard things, to muster the political will sometimes to do things that are very difficult to do to ensure equity for the children most in need and most left behind.

But the states and the districts do this in exchange for receiving very substantial sums of money, notwithstanding debates, and I would tend to agree that the money is not nearly enough at the Federal level. On the other hand, just as we recognize the challenges inherent in implementing this law, we would also like to put on the table the fact that we recognize that No Child Left Behind is really only a beginning.

So, for example, I heard today remarkable consensus on this panel that perhaps we need to have even bolder action by Congress to help states and districts craft innovative and effective solutions, not just to the teacher quality problem but to the problem of how we actually improve low-performing schools.

I think there is significant and emerging consensus that we need to look at effective teachers as well as quality teachers, and, finally, need to examine whether our standards are in fact high enough for competition in the global economy.

We look forward to working with states in the coming months. And thank you very much for holding this hearing and this opportunity.

[The prepared statement of Ms. Piché follows:]

Prepared Statement of Dianne M. Piché, Executive Director, Citizens' Commission on Civil Rights

Good morning Mrs. Biggert, Mr. Davis, and members of the Committee.

Thank you for the opportunity to testify today on the successes and challenges of implementing the No Child Left Behind Act in urban and suburban schools. The Citizens' Commission commends the Committee for taking up this very important and timely subject. Since 1997, the Commission has played a "watchdog" role and monitored implementation and enforcement of key equity provisions in Title I, including: standards, assessments, state accountability systems, public school choice and supplemental services, and, most recently, teacher quality.

To growing numbers of civil rights leaders and activists, No Child Left Behind represents one of our Nation's most important and historic commitments to fulfilling the promise of Brown v. Board of Education that all children—regardless of race, ethnicity or family circumstances—are entitled to equal educational opportunities.

The good news I would like to share with you today is that NCLB has focused attention on the needs of poor and minority children in ways that have never happened before in public education. Because of NCLB's assessment and public reporting provisions, parents, teachers, administrators, journalists, policymakers and others now have unprecedented awareness of our Nation's immoral and debilitating achievement gaps. We find that schools are paying more attention to all students, including historically disadvantaged groups of students, and not just those whom they view as easiest to teach. In many places, teaching and learning are improving, parents have more options, students who are below grade-level are getting the extra help they need, and gaps are closing.

This is the good news. And it should be celebrated. We truly are making progress.

The bad news, however, is that, as with other civil rights laws, we are not seeing full compliance with and implementation of what we consider to be the core civil rights or equity provisions in NCLB. These provisions include:

• Alignment of curriculum and instruction in Title I schools with high state standards. We are still finding too many high-poverty classrooms where expectations are low, instruction is rote and dumbed-down, and teachers are not using a curriculum matched to the state standards

• Numerous parent "right to know" requirements. Too many parents, including those with limited English or literacy skills, are still in the dark about their child's performance, their school's expectations and performance, the performance of disaggregated subgroups, and their child's teachers' qualifications. In addition to missing information, a troubling number of schools and districts distribute misinformation about NCLB, adding to public confusion about, and sometimes opposition to, the law.

• Parents' rights to transfer out of low-performing schools to better schools and to obtain free tutoring. Schools and districts continue to put up roadblocks to parents' ability to exercise these options under NCLB, with the result that less that 1% of eligible students are able to transfer and only 15-16% of eligible students have received supplemental educational services.

• Parents' rights to be informed about and involved in the school improvement process.

• Provisions designed to ensure that students with disabilities and those learning English for the first time are not treated as second-class citizens in our schools.

• And finally, NCLB's critically important teacher quality provisions. If we cannot manage to get qualified teachers into all our classrooms, the promise of NCLB of closing gaps and enabling all students to achieve academic proficiency will never be achieved.

I would like to spend the bulk of my time today on NCLB's teacher quality provisions and share with you the main findings and recommendations from the Commission's most recent Title I implementation report released earlier this summer. The report, entitled Days of Reckoning: Are States and the Federal Government Up to the Challenge of Ensuring a Qualified Teacher for Every Student?, is available on our website at *www.cccr.org*.

The Teacher Quality Gap

The Citizens' Commission has reviewed the evidence and concluded that ensuring that disadvantaged students are taught by effective and qualified teachers is a paramount civil rights issue for school children in this century. A growing body of research tells us that teacher quality is the most significant educational variable that influences student achievement. Yet, in many communities, low-income and minority students are assigned less qualified teachers than their more affluent and white peers in neighboring schools and school districts. These less qualified teachers include those who have not obtained full state certification, who are teaching out-of-field, or who are new to the profession and inexperienced.

For example, earlier this summer, a report from the Education Trust, Teaching Inequality, provided fresh evidence that low-income children in particular are being denied access to their fair share of highly qualified teachers. Looking at three states—Illinois, Ohio, and Wisconsin—the report found that schools with high percentages of low-income and minority students are several times more likely to have teachers who are inexperienced, have lower basic academic skills, or are not highly qualified.[1]

[1] Because experienced, fully qualified, and highly trained teachers cost more than novice or probationary teachers, the teacher equity gap also creates tremendous financial inequities among schools. For example, in a 2004 study of Baltimore City, Baltimore County, Cincinnati, and Seattle, the difference in funds distributed by the districts to high-poverty schools ranged from $400,000 to $1 million per school.

Consequently, we believe the most significant initiatives needed to close race and income-based achievement gaps are those aimed at ensuring both that all students have qualified teachers and, more specifically, that so-called "teacher quality gaps" between poor and minority students and other students are closed.

NCLB's Teacher-Quality Gap-Closing Provisions

In 2001, Congress recognized that the teacher quality gap was a major cause of the achievement gap when it debated and amended the ESEA. Significantly, Congress enacted provisions not only requiring that all teachers be "highly qualified" by this last school year, but also compelling both states and districts take immediate steps to close their teacher-quality gaps.

State plans. Under Section 1111(b)(8), each state was to have spelled out to the Secretary the steps it would take to ensure that "poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, and out-of-field teachers." Congress required states to incorporate their teacher quality gap-closing plan, and other plans to ensure district and school capacity to carry out the Act, into the overall Title I plan each state submits to the Secretary of Education for approval. Federal approval of these plans was necessary in order to keep federal dollars flowing to the states.

District plans. Similarly, in section 1112, the law requires each local educational agency (LEA), or school district, receiving Title I funds to "ensure * * * that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field teachers, or inexperienced teachers."

These provisions represent a bold step by the federal government to level the educational playing field between schools enrolling significant numbers of minority and low-income children and other schools. And certainly if states and school districts had complied—with strong leadership from Washington—with both the letter and spirit of the teacher-quality parts of the law, children's opportunities to meet state standards would have increase exponentially.

But sadly, implementation of the teacher-quality gap-closing measures has been woefully inadequate. The story we uncovered and told in our Days or Reckoning report is one of foot-dragging on the part of many states and lax enforcement by the US Department of Education, in carrying out the teacher quality and equity provisions of the law.

The Citizens' Commission's Teacher Equity Report

The Commission's Days of Reckoning report coincided with the July 2006 deadline set by Education Secretary Margaret Spellings for states to submit detailed plans to bring qualified teachers to the nation's poorest schools and classrooms, the first time since the law's passage in 2001 that states had actually been asked by the federal government to spell out their plans to comply with NCLB's teacher quality and equity provisions.

Major Findings:

• In the early years of NCLB, federal officials took virtually no significant enforcement action with respect to the teacher quality and equity requirements. All state plans submitted shortly after NCLB was enacted were approved with virtually no scrutiny by the Department of state plans to close teacher-quality gaps. In fact, these provisions were so completely ignored by the Department, the states and school districts that many of us working with community and local advocates were met with blank stares when we would bring up these requirements of the law. Similarly, when advocates and others would approach local school personnel about the equity requirements, they'd also be met with lack of awareness. Clearly, nobody had gotten the word out.

• While the Department of Education looked the other way, states got away with setting extremely low standards for teacher quality.

• These low standards, along with inaccurate and misleading data, allowed states to make it appear that differences in teacher quality between high-poverty and low-poverty schools aren't as large as we know they are.

• Site visits to states by Department staff in 2004-05 (reports of which were reviewed by the Commission for thE report) began to reveal how little effort or progress states were making to reduce teacher-quality gaps between high- and low-poverty schools. Most states reviewed still had not produced the comprehensive teacher equity plans they were required to develop in 2002, when the law took effect.

The Commission's Recommendations Included:

• States should take aggressive action to reduce inequities in teacher quality faced by poor and minority students and their school communities.

• The Department of Education should immediately publish the state plans submitted this week on its website, *www.ed.gov.* The Secretary and her staff should carefully evaluate the likely effectiveness of each state's plan detailing how they say they will address the teacher quality and equity provisions of the law during the upcoming year.

• The Bush Administration should be aggressive about enforcement, including potentially withholding states' federal funds, litigation, and other action to ensure compliance with the "teacher equity" provisions in the law.

• While it is enforcing the law, the Department should also study and disseminate best practices in the areas of teacher compensation and incentives, professional development aligned with standards, management practices, and school leadership.

The Commission is pleased that since we released our report in early July, the Department did post the state's plans on its website, and further that a rigorous peer review process recently concluded.

We commend Secretary Spellings and her team for finally investing the Department's human and other resources into ensuring compliance with these critically important provisions. We hope, however, that her actions, while well-intended and rigorous, are not "too little too late." Moreover, we remain concerned about whether the Secretary will take aggressive enough enforcement action in the near term to signal to states that the Department means business when it comes to qualified teachers. Finally, the Department has not specified a clear deadline by while all states and districts must close their teacher-quality gaps.

Conclusion

NCLB calls on education officials at all levels to muster not only the expertise but the political will to do some very hard things in order to close achievement gaps and provide all children with the quality public education they deserve. Specifically, this law asks states and school districts, in exchange for receiving generous sums of money from the federal government, to themselves provide the needed resources to all their schools and students, to adopt and implement high standards, to hire and retain the best teachers, and to reorganize the work of the adults we charge with educating our young people. And to assist these "recipients" of federal funds in meeting these challenges, the Department of Education is asked to use both "carrots" and "sticks" to implement and enforce the requirements of this law. We respectfully recommend to you and your colleagues that you continue to provide the necessary oversight of the Department. And again, the Commission commends the Committee for undertaking to examine these critically important issues of implementation and compliance as you consider and debate the next reauthorization.

On the issue of the teacher-quality gap, we recognize that it is obviously a major cause of the student achievement gap. But it is also clear to us that NCLB's teacher-quality provisions are only a beginning. We believe that bolder action is needed by Congress to help states and districts craft innovative and effective solutions to bring and keep better teachers to the most challenging schools.

We look forward to working with the Committee and other members of the House as we move forward on this most important national priority.

Thank you.

Mrs. BIGGERT. Thank you very much.

I think that we are going to deviate just a little bit from the way we usually do things, since Mr. Duncan has to leave. So I think the three panelists will have an opportunity to each ask one question of Mr. Duncan, if that's acceptable.

And I think Ms. Piché's testimony kinds of leads right into what I wanted to ask you, so I will recognize myself briefly.

Mr. Duncan, you talked about the recruitment of highly qualified teachers in your schools, and said that—now that 42 percent have master's degrees. Could you explain a little bit more how you are able to bring more teachers into the system when there is 85 percent poverty, below poverty level of the students?

Mr. DUNCAN. I think our human resources team has done an extraordinary job with this in the past three or 4 years and have really tried to just put a spotlight on Chicago nationally. And so

you want Chicago to be the mecca for people who are passionate about public education.

And so there is no magic formula. It has been a lot of hard work. It is lots of visits to campuses. They have traveled a lot across the country, have created some very interesting alternative certification partnerships with entities who bring in mid-career changes, and there is a great talent pool.

That result of a lot of hard work has been just doubling of the number, more than doubling the number of applicants, not—there is 42 percent of the teachers we hired last year had master's degrees. We are going to continue to push very, very hard on that.

Here in Chicago principals hire teachers. We don't. We just create the applicant pool, and we think it is good to have that match at the local level. Teachers have to want to go to the school. The principal has to want to hire that teacher. We think that's a very important concept. Our team I think has done an extraordinary job of creating not just the largest applicant pool ever but the best in terms of talent. And they want to continue to get better at that.

Mrs. BIGGERT. Thank you.

Mr. Davis, you are recognized.

Mr. DAVIS. Thank you. Arne, I will take my one question. Are there any special incentives that the Chicago public schools have put together that will try and steer better trained, more experienced teachers to low-performing schools?

Mr. DUNCAN. I would like to hit that a couple of different ways, and I want to emphasize again the teacher incentive fund program that Dr. Johnson talked about we think is a remarkable opportunity to do what we are—to take this to a much larger scale in Chicago, so we are pursuing that very, very vigorously.

A couple of quick things. First of all, we strongly support national board certification here in Chicago. We think that is really the Cadillac version of professional development, and we have gone from about 19 nationally board certified teachers to just under 500 in the past 4 years, with a goal of going to 1,200 within the next 2 years.

And we are very intentionally targeting schools in high poverty neighborhoods to try and place nationally board certified teachers, as well as encouraging teachers from those schools to become nationally board certified. And then, finally, we are trying something we have never done before this year that I am very hopeful for, but we have to watch results closely.

One of the schools that we closed for academic failure, we kept all the students in the school, we kept the children and we moved out all of the adults. And we have a new team of adults coming in, 30 percent of whom are either nationally board certified or Golden Apple winners. We are paying those teachers a premium, a bonus, of about $10,000.

And this is Sherman Elementary School on sort of the—near Englewood, and we are going to watch it very, very closely. We have an extraordinary team that has run a couple of our great new schools in the past couple of years. The Academy of Urban School Leadership, they are quarterbacking this. There is a dynamic young principal who is going to lead that effort, and so we are get-

ting into this game, and we want to continue to do a lot more in this area.

Mrs. BIGGERT. Mr. Scott.

Mr. SCOTT. Thank you, Mrs. Biggert. You and Mr. Davis have an opportunity to question Mr. Duncan all the time. This is the only shot I am going to get, so I am going to take my——

[Laughter.]

I thought there was a teacher shortage. You say you have a lot more applications. Are you paying people a lot more in this area than other surrounding schools?

Mr. DUNCAN. No, I wish. Our teachers are actually very underpaid. And to be clear, we do have areas of critical need—special education, math and science. You know, we still have—we still have need. But in terms of, you know, absolute number of applicants, we are up to, again, you know, 10 to 12 applicants for every teaching position.

And there were a couple of studies here in Illinois a few years back talking about this impending teacher shortage and doom and gloom, and basically it has been a lot of hard work.

Mr. SCOTT. Do other school divisions have shortages?

Mr. DUNCAN. What is that?

Mr. SCOTT. Do other school divisions in the area have shortages?

Mr. DUNCAN. I can't speak to other districts. I wouldn't—I am not familiar.

Mr. SCOTT. And your choice program when you have a failing school and you give students a choice to go to another school, as I understand it, you said everybody gets a choice, and everybody leaves. One of the problems I have had with that choice thing is that, as was Ms. Piché indicated, very few people do, and the vast majority as they say are left behind.

And I thought I heard you say that when students are given the choice to go to a better school, you just clean out the school.

Mr. DUNCAN. Let me be clear on that. What I said is—and this has been, again, thanks to the partnership both of the State Board and the Department of Education. When we close a school for academic failure, we prioritize those students for the choice program. There are many other—there are thousands of other students who are eligible for that.

The challenge we have here in Chicago is that the number of seats available in higher-performing schools is very limited, so it goes back to due to the fact that you have thousands eligible and, you know, a couple hundred seats, we are trying to give those seats to the students that we think most desperately need them, and those are the students coming out of schools where——

Mr. SCOTT. Well, one of the problems, as I said, that I have got with our choice as a sanction is it cannot accommodate all that ought to make the choice.

Mr. DUNCAN. That is absolutely true here in Chicago as well. It is not even close.

Mr. SCOTT. You indicated that your tutorial program works. What do you do to—in terms of tutorial that actually improves the education? And are those results typical nationally?

Mr. DUNCAN. We were the only district a couple of years ago to track how students in our tutoring program did, the Chicago Public

Schools tutoring versus the private providers. And I am going to be real clear: I love choice, I love competition. We welcome that. The reason Secretary Spellings allowed us to tutor was to be able to demonstrate that students in our tutoring program were very competitive with those in the private sector.

And so we want to hold ourselves accountable. We are going to put that report out every year. You know, if our tutoring ever slips, we will go out of business and let somebody else do that. But the fact of the matter is that we have hard data showing that the gains, again not just the absolute test scores, but the gains of our students in the Chicago Public Schools tutoring program were very strong and were absolutely competitive with those in the private—being tutored by the private providers.

Mr. SCOTT. Now, the fact that they were behind and could learn, is that a suggestion that the schools weren't doing what they ought to be doing?

Mr. DUNCAN. I think it shows that there is a long way to go, absolutely. But to deprive students of these services is the wrong thing. And, again, my frustration has been—this has been prior to No Child Left Behind. This was a huge part of our core academic strategy was sort of lengthen the day and providing more academic resources to students.

And part of my frustration has been we have so many more students who want tutoring than we are able to provide, and, again, that is a resource issue.

Mr. SCOTT. You indicated that school construction was a major challenge. One of the things that we could do more easily than just a grant for school construction would be low or no interest loans. How interested would you be in that as a help for school construction?

Mr. DUNCAN. We are interested in any resources that help us in school construction. We have literally a couple billion dollars of unmet need. And the local citizens, the local taxpayers have done—have been extraordinarily supportive and have put in about $5 billion. We recently announced another billion dollar program.

We have, you know, probably $3- to $4 billion to go, so any support from the Federal Government will be——

Mr. SCOTT. You can imagine that if your need is in the billions what that translates to nationally. And low interest loans would be a cheaper way for us to kind of get some help out there, and I indicate—and hearing you say that that would be helpful——

Mr. DUNCAN. And we are never looking for a handout. You know, we are always interested in, you know, a local match. And again, you know, we want to be part of the solution and I think put tremendous resources into this effort. But of the about $5 billion we have done, 84 percent has come from local property tax payers, only 15 percent from the state, and only 1 percent from the Federal Government. And we think those percents are way out of whack, those proportions.

Mr. SCOTT. When you have a failing school, and you want to improve education, you have done a lot of innovation locally. What kind of help do you get nationally? If you have a problem, do you get decent guidance? Is guidance there? If you get a small school

division, they know they are failing, and what do they do? Where do they look?

Mr. DUNCAN. I think we have gotten good support at both the state and the Federal level. I mean, I think so much of this is about getting great leaders into schools, and we are starting to put great principals into schools that have historically struggled. The turnaround model has come out of Virginia. We have watched that very closely and sent our staff there. That has been real helpful. We have four of those schools starting this fall with turnaround specialists.

So I think that the knowledge is there. My constant challenge is just the scale of our system of 400,000 students and 600 schools. I am always very patient. I want to get to—if something is working I want to take it to scale as quickly as possible. And that is probably the biggest challenge we face.

Mr. SCOTT. Thank you. Thank you.

Mrs. BIGGERT. Thank you. Yes, Mr. Scott, I know that we could go on and on with all the questioning, because this is very interesting.

Mr. Duncan, we thank you.

Mr. DUNCAN. Thank you so much.

Mrs. BIGGERT. Thanks.

And now we will go to the regular order of questioning, and I will recognize myself for 5 minutes. Dr. Johnson, in your written testimony you mentioned that some of the Department's efforts to balance the commitment to the core principles of NCLB with a need for flexibility at the state and local level.

And I think that the example that you provided is—the tutoring for the Chicago Public Schools has been a shining example of how flexibility can work. And I applaud you and Secretary Spellings' efforts to establish that program.

Could you comment on other areas where the Department is trying to provide flexibility? Maybe in particular more about the progress of your state growth model pilot program.

Mr. JOHNSON. Thank you, Madam Chairwoman. In fact, that is the first one that came to mind as you asked the question. We have implemented a growth model pilot in two states—Tennessee and North Carolina. The purpose of the growth model pilot is to obtain data to see if there is a better way, an additional way, that we can measure adequate unit progress.

We still are insistent that the standards must be rigorous, and that they must account for the growth of each student. And the Tennessee and North Carolina models address that. Actually, one other state also met the set of criteria, but decided for its own reasons not to follow through on it. And we will continue to move in that direction. We will open up additional opportunities for the six, I believe, states that made the final list but weren't among the two finalists. And we will open it up even broader than that for other states after those six get their chance. Just one example.

Mrs. BIGGERT. Thank you. I have also heard from educators in my district about the challenges for highly qualified special education teachers. Has the Department looked into ways to address these challenges?

Mr. JOHNSON. Well, through the teacher incentive fund that is clearly one way that the Department is trying to help states address that issue. I wasn't surprised at all at Arne's comment in response to I think Mr. Scott's question, getting special ed teachers and mathematics and science teachers remain a critical issue for local school systems.

And as we emphasize critical foreign languages that also is going to be a major issue. But with the TIF dollars states will have some additional resources to address that issue.

Mrs. BIGGERT. OK. I will yield back.

Mr. Davis? Recognize Mr. Davis for 5 minutes.

Mr. DAVIS. Thank you very much, Representative Biggert.

Dr. Johnson, please convey to the Secretary—I always do this whenever I see her—the tremendous appreciation that we express as a result of some of the flexibilities that the Department has demonstrated in dealing with the Chicago Public Schools system, and especially as it has related to the tutoring program, which had a number of us very much concerned and worried for a moment. And we were very pleased that that situation was able to be worked out.

Let me ask you: how does a school district access the incentive fund to try and make use of it to get those top flight teachers that they know exist to try and come into these low-performing, low income areas, these districts where they put everybody on the list and mention how many schools are failing. And so how does a district access that money?

Mr. JOHNSON. Well, the state would access it, and then they would have to write a plan and have that plan approved. And in doing so, the monies would be available for them to be used to pay incentives to teachers, to go to places that are hard to staff, etcetera.

Mr. DAVIS. So it is really block granted to states, they write proposals, or they make a request.

Mr. JOHNSON. They write a plan that is approvable. And once the plan is approved, then they would access the money.

Mr. DAVIS. Also, I am pretty excited about the fact that the Department is focusing on equity and distribution of high quality and experienced teachers. Your analysis of state plans suggests that greater Department guidance is needed to help districts comply with the law.

Are there any additional thoughts that you have relative to how the Department expects to implement that, and to help states go further than where they are?

Mr. JOHNSON. We have done several things. We are still actually having discussions in the Department about that issue. We try to walk a real fine line between being too prescriptive and not providing enough information. We are telling states that in order to get their plans approved they have to address those issues very directly.

First, they have to know what the data say. One of the problems with a lot of plans was that they didn't address at all the factual situation. Do you know the particulars within your state within the different schools, districts, grade levels? So we are asking them, requiring them quite frankly, to analyze just what is their own situa-

tion. And once they do that, that gives them some guidance as to—or at least the direction as to what they need to address.

So that is one of the things that they absolutely have to do, and that was one of the failings in many plans.

Mr. DAVIS. Thank you very much.

Dr. Ruscitti, I have always been intrigued by the educational activity in DuPage County. There was a period when I spent—I actually taught a class at Benedictine University for 10 years, and would always look forward to coming out to DuPage and finding out some of the great things that were going on.

It sounded like you said that you had a goal that every student in DuPage County would ultimately perform at grade level. How did you arrive at that? I mean, how did the system arrive at establishing that as a goal that people would really buy into and say, "We want to make sure that every student in our county will eventually perform at or above grade level"?

Ms. RUSCITTI. I know this sounds contrite, what I am about to say, but I really do believe that educators—that is where educators' hearts are at. We don't want any child to walk away from our system without meeting or beating state standards. So it was really lots of conversations, lots of working together again, having conversations with people, "Well, what do you have that we could use?" You know, "What is working for you?" And it is that collective kind of conversations again that said, "Well, why can't we? Why can't we?"

This is—we said, you know, this is DuPage County. If any county can do it, we truly do believe that we can do it. We can put together our collective wisdom. We can put together—you know what I mean? Work together, again hand in hand, and, you know, demonstrating what those best practices are, hopefully sharing, you know, with others.

I was sharing here with Arne Duncan partnerships. It would be wonderful to have partnerships with, you know, the city of Chicago and with DuPage County schools. And so we are learning from and with each other.

When you talk about the tremendous diversity that we are beginning to see, we could learn so much from, you know, other areas as well, too. So it is really kind of I guess, just to go back again and just say it happened with conversations and saying—and our belief system and challenging our belief system and saying, "What did we get in this for?" And——

Mr. DAVIS. Well, I am sure my 5 minutes are probably up, and we will probably have another round.

Mrs. BIGGERT. Mr. Scott, you are recognized.

Mr. SCOTT. Thank you. Thank you, Mrs. Biggert.

Dr. Johnson, the teacher incentive fund, can I assume that all of the money has been applied for?

Mr. JOHNSON. We are going to make grants in October. I am really not sure—I apologize—I am not sure what——

Mr. SCOTT. Well, it is new fund, so you haven't—you don't know whether or not teachers have actually landed in the low-performing schools.

Mr. JOHNSON. No. What we don't know is that it, whether there has been any substantial change from past situations, where it is

pretty clear that kids in poor areas don't get a reasonable share of the highly qualified, highly effective teachers. And what the incentive funds will do is to help states and local school officials have additional resources to create incentives to get more and more of those highly qualified, highly effective teachers into those schools.

Mr. SCOTT. But we don't know—we haven't had any experience to know whether or not this program has achieved that goal.

Mr. JOHNSON. No, not yet.

Mr. SCOTT. OK. Now, teachers choose where they go without any incentives one way or the other. Do they choose to go to high performing schools or the low performing schools?

Mr. JOHNSON. I can only talk from my experience as a local school official, principal. Seniority historically has played a really significant role in where teachers get assigned. And I don't think that has changed dramatically over the years. So to whatever extent seniority and whatever rules and agreements have been made between teacher associations and local and state officials, that still is an issue, yes.

Mr. SCOTT. Well, is quality and seniority, more senior teachers generally have more quality?

Mr. JOHNSON. One would hope that that is the case; it may not always be the case.

Mr. SCOTT. Ms. Piché, you have talked about alignment of instruction. What is it about No Child Left Behind that ends up with people—I think you have inferred—suggested that they are teaching the test and not teaching a broad education.

Ms. PICHÉ. What we found, Mr. Scott, is that in many high poverty schools where achievement historically has been low, of course there is increased pressure on the adults in the school to improve performance on the tests. And educators in those buildings, sometimes with support and sometimes without support from the Central Office, make choices about how to respond to that pressure.

In many instances, the choices they make are bad ones. And I guess I would explain some of this as bad choices on the part of teachers and principals and others to focus instruction much more narrowly than it needs to be or should be focused. And also, to point out that in our research through a partnership we have called the Achievement Alliance we have been looking at high poverty, high achieving schools around the country.

And what we found is almost universally—in fact, universally in schools we have identified teachers are not teaching to the test. In the highest achieving schools, they are teaching to a very broad set of standards. They are teaching to the state standards. And so what we really need to do is figure out ways to replicate those good teaching practices and help teachers and principals and others understand that simply narrowing the curriculum to what they perceive to be on the test, I would submit is malpractice.

And we also need to have much more proactive engagement by the states and by the districts in producing curricular materials and professional development that are truly aligned with a broad set of standards.

And then, I think finally what we need to do is to continue to work on assessment systems to make sure that the assessments that are being used are rich and broad assessments, and that we

are really not measuring a very, very small slice and narrow set of skills and knowledge, but that the assessments are improved and expanded, so that they really are measuring the broad elements in the state standards.

Mr. SCOTT. And I think Ms. Ruscitti also suggested that the tests are to be given in a way that you can actually use the results, not wait until the end of the year and find out this student should have had help all year long. You take tests I assume at the beginning and all the way through, and adjust your teaching and intensity of instruction to those that actually need it. Is that right, Ms. Ruscitti?

Ms. RUSCITTI. Yes, definitely. It is formative assessments at various checkpoints along the way. You know, how are our kids doing? So we are not waiting for the end—you know, a test at the end of the year, a summative kind of assessment, but more formative. And how can we use that data, you know, to improve instruction, to provide interventions for some kids who may need interventions, you know, in various concepts.

Mr. SCOTT. And this pass/fail kind of thing where you achieve up to grade level, you have no credit apparently for bringing somebody from virtual 0 to 50 percent. But if somebody drops from 90 percent to 75 percent, you get full credit for that student. Are there different ways we can do an assessment to ascertain whether or not the school did its job?

Ms. RUSCITTI. I think if we begin to look at—I think it is—that is a very complex question.

Mr. SCOTT. Well, if you can, as we go along, give us some—we have got a year before we have to actually do something, or several months before we do something. If you can kind of think that out and help us form what the measure ought to be and how we ought to ascertain adequate yearly progress, there is another—and I guess, Dr. Johnson, I asked this. Are we sort of—is there a perverse incentive to encourage dropping out of school?

When we passed the bill, we had an amendment in the bill to make sure that those schools with the high dropout rates weren't rewarded for those students not being counted. How do we make sure that school divisions don't improve their scores by letting people drop out?

Mr. JOHNSON. Well, we would hope that professionalism and ethical behavior would hold here.

Mr. SCOTT. Isn't there something in the law that requires you to——

Mr. JOHNSON. Participation rate.

Mr. SCOTT [continuing]. To count—to punish a school for having a high dropout rate?

Mr. JOHNSON. Yes. In calculating AYP, you have to account for at least 95 percent of all students. And if you don't account for 95 percent of all students, then you are—it is as if the school didn't make it. So that is one way to look at that issue.

There may be need for other incentives to keep kids in school. Rather than look at punitive kinds of things, maybe some other positive thing that we could offer. I hadn't thought through that, but that is one way we might approach it.

Mr. SCOTT. And I guess one other question, when we are teaching—what is a part of a teacher—paper qualifications are one thing. How do you ascertain whether or not the teacher can actually teach? And I ask that because if you are picking baseball players on their knowledge of baseball, George Ware* would probably be the starting pitcher of the World Series, because he knows baseball. Can't pitch, knows baseball.

How do you differentiate those with good paper qualifications and those that can actually teach?

Mr. JOHNSON. That is a good metaphor. I think it is actually pretty straightforward. You look at results.

Mr. SCOTT. Is that in the assessment, to ascertain whether someone is a quality teacher?

Mr. JOHNSON. I am not sure it is in the assessment, at least not in any structured formal way. It is pretty simple that if a teacher routinely has students who meet the standards, regardless of extraneous factors like race, ethnicity, family income, but year after year the students who have that teacher or those teachers meet standards, then one could reasonably conclude that this is an effective teacher.

Now, you know, there are those who can teach kids who already come with all of the prerequisites to be successful, and that is fine. But I would say an effective teacher is one who gets students to rigorous standards regardless of those other factors.

Mr. SCOTT. And we have now disaggregated data. If a teacher is missing certain groups of students consistently, should that disqualify the teacher as being a highly qualified teacher? Because after a couple of years you are going to have enough data to show that.

Mr. JOHNSON. The law, as it is currently written, leaves the definition up to the states.

Mr. SCOTT. I think I have gone past my 5 minutes. If we have another round——

Mrs. BIGGERT. I will recognize myself for 5 minutes. Dr. Kimmelman, you have had the experience with implementing education reforms and knowing the challenges that we face and continue to face implementing NCLB. Do you foresee any dangers with making significant changes to NCLB during the reauthorization?

Would the fact that we are talking about change actually lead to the feeling that—and I think Dr. Ruscitti mentioned about that she has seen so many things come and go, you know, different educational processes, do you there could be a feeling that these reforms and commitments laid out in the law are temporary?

Mr. KIMMELMAN. Well, I think the devil would be in the details with respect to how you defined significant changes and what the significant changes were. For example, if there were significant changes to the determination of adequate yearly progress, and it made for a better implementation of NCLB, then that would be in the best interest of all who are involved in educating students.

I don't think it would be in the best interest of Congress to radically decimate the overall law, because it would mean requiring states and local school districts to go back and start over again, which would be not only costly but would also demonstrate that "and this too shall pass" syndrome in schools.

So, you know, I think that what I proposed in my testimony was that over the course of the next year you listen to those who are actively involved in implementing NCLB, and those who offer wisdom regarding changes that are based on evidence that demonstrate that the fundamental principles of NCLB are being adhered to, but could do a better job with the law, would make a wise decisionmaking process for Congress.

Mrs. BIGGERT. And I have to say I agree with you, but I think that, you know, there are some people that are critics of NCLB that would rather see dramatic changes. And I think we have to be careful, and that is really why we are doing these hearings early on, so that we have time to work with that. So I thank you for that.

And I know that you have spent some time in discussions on the growth models that track student improvement. Could you comment on the challenges in implementing these types of models?

Mr. KIMMELMAN. Well, I am not a psychometrician, so I don't want to wander too far into that territory. We do have somebody at Learning Point who has worked on a value added concept paper and is very good in that field. But what I would suggest is that over the course of the year I think there are a number of people who could offer good advice to Congress about different ways to assess the growth of students, and determine whether they, in fact, are meeting the intent that Congress set forth for students to make adequate yearly progress.

And so in that regard it—when you get into value added and you make all these radical changes, it could result in a new cry for additional funding that goes well beyond what Congress may be able to appropriate for just the basic implementation of the law, and also may motivate states to change the systems that they are currently working on and improving that may be a start over again process that would not be beneficial either.

Mrs. BIGGERT. Thank you.

Dr. Ruscitti, you talked about the need for a marketing campaign, and I would agree with you that I don't think that we have explored it enough, but—or explain NCLB to the public. Could you talk a little bit about how we could go about doing that? Is this up to Congress? Is this up to the school district? Is it up to the local school to—I mean, they have a forum with parents.

Ms. RUSCITTI. I think our schools do a really good job in trying to, you know, market and explain. But part of what happens when it is up to the local school district is it sounds like, oh, well, you are just saying that type of thing, to of course you are going to be saying those things, that there is—you know, there is punitiveness to this, you know, etcetera, etcetera.

Oftentimes, particularly if you are a child that—or if you are a parent of a child that is not meeting adequate yearly progress, you don't want to hear any excuses. So I think that there is—it is a combination of factors I think you really do have to have. You know, of course the school districts are the most important to try to get information out and explain it, because they have that great partnership with schools, you know, I mean, with their parents and their communities.

But I think it has to take a much more concerted effort. I think one of the things I shared with all of you is we put together like

the little ABCs of NCLB. And we go out there and we work with, you know, parent groups and community groups and just kind of talking about what it is and what it isn't, and how they can be of help as well, too, in understanding, you know.

So I think it is a concerted effort. The state as well, too, I think could—you know, maybe there are some things they can't—and it is not just producing more paper and things like that, because you have got to bring people to the table. You have to invite them in. And again, too, that invitation to come in I think has to happen at the local level with support from, you know, people at the county level, people at the state level, so they see this as more of a concerted effort.

Mrs. BIGGERT. Do you think that there are some school districts that, you know, have gone kicking and screaming to implement NCLB, or is that kind of over?

Ms. RUSCITTI. I think it is over, and I did a lot—I had a lot of conversations with educators before I came here today to kind of get a sense of their feeling, you know, where they were at. I think there was more of a sense of, OK, we are on the right track. There is concern, though. There still continues to be concern that at some point in time down the road, you know, all of the schools in DuPage County could have a possibility of, you know, being reconstituted, if we don't, again, get every single child.

So on one hand we want to make sure that every single child is, you know, meeting or exceeding state standards, but there always is that reality back there as well, too. So there is that concern, so we are trying to balance that as best as we can.

Mrs. BIGGERT. Do you think that we have had the—you know, provided the flexibilities for the state and for the school districts in determining the tests and things? Do you think that that has worked, or has it been—did the schools understand? I worry about how they set up the percentages and things, that, you know, they are going to have to reach that. And so you start out low and then suddenly there is—you know, every year is a big jump that they are going to have to meet. Can they meet those?

Ms. RUSCITTI. I think there has to be more conversations between, you know, the Arne Duncans, the educators, you know, around the state, too, in regards to if there is to be some flexibility, whatever, and how it is implemented. And lots more again, too, lots more conversation, lots more dialog, lots more data I think has to come to the table, too. And by unbiased groups, you know, not necessarily from someone who has a great stake in my school district, but by some unbiased groups, too.

Mrs. BIGGERT. Thank you.

Mr. Davis, you are recognized for 5 minutes.

Mr. DAVIS. Thank you very much. Ms. Piché, I have always been interested in the work that your organization does and the focus to some real degree on the protection of the rights of individuals, of students. And I was just thinking that when I think of special education that African-American males constitute, for example, the largest population group in special ed that you find in practically any school district where African-American males attend. I mean, it has always amazed me.

Are there any special things that your organization looks at as it attempts to make sure that individual students who must be educated by school districts are in fact accorded and afforded rights to assure that they might be getting the proper education and not kind of shunted aside in any kind of way?

Ms. PICHÉ. Yes. That is—that sort of goes I think to the heart of the challenges of No Child Left Behind, I think, and where we are now. One of our continuing concerns, Congressman, is with respect to the children who are furthest behind.

And students we find who are most at risk in terms of not meeting state standards—and if we project out No Child Left Behind until 2013, 2014, when all students are supposed to become proficient, if we follow the same trend line that we are following now, the students who will still be behind when 90 percent of students are proficient, 80 to 90 percent are proficient, will be the students with multiple risk factors.

And currently, in our public school systems, based on data that we do have, students who are African-American and add to that special education eligible, low income families, are probably the most significant risk and furthest behind.

What we don't have—and this is something I think the Federal Government, the Congress, ought to look into—are data systems that can track multiple risk factors, so that we can examine what it means in our school systems to have a disability and to come from a low income family, to have added risk factors associated with race, with gender, with whether or not your first language is English, for example, because we find that students in these categories are the students who currently are not meeting the standards.

They are often the students who were placed in below grade level classes, if they are identified for special education, whereas in wealthier communities white students and students with higher income families and special education don't necessarily get placed in lower classes. They may actually be in honors classes.

Another population of tremendous concern to us are students who do not have stable homes—homeless students and students whose families move a lot. And I think we found that the Katrina disaster—we still have students who are not accounted for. And at this point in time, there is absolutely no government agency that has done a complete accounting of where those missing children are, whether they are enrolled in school, and whether their rights under state and Federal law are actually protected.

So I think we have got to focus more on these multiple risk factors, and I think we also have to look at what it means to have a right to a public education. And the way Title I is structured there are very few individual rights. We don't have the same kind of statutory scheme as we have under the IAAA, for example, but we do have some very powerful entitlements if you will that students should have an expectation that they are provided with high quality teachers, they are provided with after school tutoring, and those kinds of things.

So I think we do need to keep a focus on what we actually are trying to provide the individual students, the larger groups of students.

Mr. DAVIS. So you are sort of saying that even though we have made progress we have got to keep digging——

Ms. PICHÉ. Absolutely.

Mr. DAVIS [continuing]. Because there are some population groups who present some real serious challenges, if we are ever to get where Dr. Ruscitti is talking about, making sure that every person who is capable of functioning at grade level is able to do so.

It sort of reminds me of an old fellow in the neighborhood where I used to live when I was a kid who was a great philosopher, and he used to tell us, as he would try to teach us things, that a little knowledge is a dangerous thing.

[Laughter.]

He would say you have got to drink deep, because shallow drinking intoxicates the brain. And my buddy and I would always try to figure out what he was talking about, and I guess that is sort of what he meant.

Dr. Kimmelman, you work with many entities hands-on. I mean, you help school districts or entities actually look at how to make real the things that they talk about. And I was thinking of this business of teacher quality and how districts would determine that.

I heard a story of a little school that had a condition that whoever had the most experience generally became, always quite frankly, became the principal. And it finally got down to the point where a fellow had been there for 19 years, and they needed a new principal and they passed over him and elected another person who had been there 5 years.

So he went in to see the Chairman of the Board and says, "I don't understand this. We have always selected the person with the most experience to be the principal." And he says, "I have had 19 years of experience, and you have selected somebody who has only got 5." And finally, the Chairman said, "Well, we still have the same approach. We just evaluate it a little differently. In your case, we think that you have 1 year of experience repeated 19 times."

[Laughter.]

And the other person actually had—how do you help them determine these nitty-gritty things? And do they ever talk much about the role of parental involvement and what that means in the education mix to really move a district or move a school or be able to implement something that they are trying to do?

Mr. KIMMELMAN. It is ironic what you said. I left teaching after 5 years to become a principal. I spent both of my careers in the basement.

One of the larger—not one of the larger, but one of the significant projects in our organization has been a result of the encouragement through Representative Biggert for a No Child Left Behind implementation center. And we undertook the task of trying to identify districts with the most significant challenges with teaching.

The best answer that I can give you, based on what we are learning, is how difficult this process really is. These districts really need support and assistance in focusing on acquiring the right information or data to determine what they need to do next. Then, they need help in developing research-based professional development plans that really focus on using that data and what is the

best evidence for effective teaching to implement those changes, to help them work with the students.

It is sort of the metaphor you used in baseball, which I used—you know, I used a number of times in the book that I wrote that sports are a great metaphor for education. All of the things you do in sports you videotape over and over to determine how to get better and refine your skills. And you use data for everything. Every day there is a box score that tells you how much better you are doing.

And if we could provide the support for those situations that are the most challenging with coaches—people are talking a lot about having individual coaches working with them to help their teachers get better, I think we could make a lot of progress. But it is real transformational kind of work that is the kind of work that Mr. Duncan talked about earlier, that a) you have to be willing to take the risk and suffer the consequences for making difficult decisions; and then, b) you have to be willing to invest in making that transformational change.

Mr. DAVIS. Thank you very much.

Mrs. BIGGERT. OK. Mr. Scott.

Mr. SCOTT. Thank you.

Mrs. BIGGERT. You are recognized for 5 minutes.

Mr. SCOTT. That is going to be tough.

Ms. Piché, you indicated that due to the challenges of those that are far behind—does the fact that some were getting somebody from virtual 0 to 50 getting no credit for that effort, and it certainly is a disincentive to even bothering with that person, compound the problem? Because you only get credit if they pass the test. If they come close, if you bring them way out but not over the bar, then you get no credit for that student and all the effort and expense that went into it.

Ms. PICHÉ. We have seen this problem even before No Child Left Behind with the Improving America's Schools Act. We have seen it in state accountability systems predating No Child Left Behind. The old law had a provision requiring substantial and continuous progress for schools and for subgroups, and we sort of kind of have that now, but we don't have it to the extent that perhaps we could if we had a growth model system that had some integrity.

And I should note that our Chairman, Bill——

Mr. SCOTT. But you would get credit for bringing somebody from 0 to 50 but not to 70.

Ms. PICHÉ. A growth model—a strong growth model program could do that. Our Chairman, Bill Taylor, served on the evaluation team as a peer reviewer for Secretary Spellings. And one of the—and we would like to see strong growth models as an option in the accountability system.

Mr. SCOTT. Is that in the system now?

Ms. PICHÉ. It is not in the system now. Either you are proficient or you are not proficient.

Now, some states have incorporated into their accountability system through a variety of, you know, mathematical measures the concept of students being partially proficient. And they have been approved to do that by the Department of Education.

On the growth model system what you would do is you would measure whether the student had made at least a year's progress for a year in school. But the important caveat to that is that for many students simply making 1 year's progress is not sufficient if they are that far behind, so I think the challenge is finding a balance, making the system sensible.

Mr. SCOTT. Thank you. Just for the record, does anyone want to suggest that we start gathering disaggregated data? That is, data on subgroups. Does anybody want to go back to where you just do overall averages? So we just want that for the record.

The I guess final question I have got is, when you are setting standards, it is my understanding that states kind of homemake their own standards. Is there a reasonable basis to think we ought to have Federal standards so that everybody is achieving at a high level? Dr. Johnson?

Mr. JOHNSON. I figured I would be able to comment on that. I think Congress——

Mr. SCOTT. If they have minimum standards.

Mr. JOHNSON. I am going to need to separate my current role from when I was State Chief.

[Laughter.]

I think Congress has been pretty clear that it does not want the Department of Education trying to develop national standards or encourage national standards, and that is the Department's position.

When I was State Superintendent in Mississippi, if someone had come to me and said, "We can create—we can help you create a higher level of standards, more rigorous and relevant set of standards, would you be for it or agin it?" I would have been for it.

Mr. SCOTT. But then, they say they are going to punish you for having set high standards, because you are not going to be proficient and you will not have achieved adequate yearly progress based on high standards.

Mr. JOHNSON. Well, see, I think that one doesn't necessarily follow the other.

Mr. SCOTT. OK.

Mr. JOHNSON. My experience as the person, the chief academic officer in North Carolina for 10 years at the Department of Ed there, is that the more you raise the standards the more likely it is that people will find ways to reach the more rigorous standards. We overappeared about 30 years, continually raised standards in North Carolina.

Now, that State is not where it needs to be, but if you look at the track record over the last 15 years you will see NAEP scores and SAT scores with fairly dramatic improvements. We would raise them, and people would fuss at us. But they still find ways to meet them.

And we would raise them again, and they would yell at us again. And they would still find ways to reach it. So my sense is we have to continually raise the standard.

We also have to give people hope. Several of my colleagues have talked about diagnostic information, formative assessment. One of the big pieces I think that is missing is a comprehensive approach to having states help local systems with diagnostic assessments.

Now, one of the reasons you get so much pushback from teachers, at least initially, is that teachers would look at the goals and look at what their own experience has told them, and say, "You know, there is not much chance of me being successful here, so I am going to push, I am going to fight, I am going to pushback on this."

But with additional information about strengths and weaknesses of students, and how they may address those strengths and needs, my sense is that that would be one of the levers that we can push that will move this thing even more aggressively forward. So I think we need to do a lot more with formative assessment, diagnostic assessment.

Mr. SCOTT. Well, Madam Chairman, I want to thank you for holding the hearing. We have had an excellent panel, but I again want to express my appreciation for the leadership that you have provided and Danny Davis has provided, for educating our nation's children.

Thank you.

Mrs. BIGGERT. Thank you. And thank you for your excellent questions. You were a real addition to our panel.

And, Mr. Davis, as always you have provided the excellence that is needed on this Committee.

And I would like to thank the witnesses for their valuable time and testimony, and both the witnesses and members for their participation. I would also like to thank the staff of the Education Committee, and the majority staff, Amanda Farris and Lyndsey Mask; and the minority staff, Lloyd Horwich; and Mr. Davis' staff member, Jill Hunter Williams; and my staff, Brian Peterson, Don Trujano*, and Shaun O'Reily, for being here.

And most of all, I would really like to express our appreciation to Chief Judge Holderman for allowing us to use this beautiful courtroom; and Larry Collins, the Administrative Assistant to Chief Judge Holderman.

And with that, if there is no further business, this Subcommittee stands adjourned.

[Whereupon, at 12:38 p.m., the subcommittee was adjourned.]

[Excerpts from a report submitted by the Citizens' Commission on Civil Rights follow:]

Days of Reckoning

Are States and the Federal Government Up to the Challenge of Ensuring a Qualified Teacher for Every Student?

PHYLLIS MCCLURE, DIANNE PICHÉ and WILLIAM L. TAYLOR

Summary and Recommendations

Improving the quality and equitable assignment of teachers is a paramount civil rights issue for school children in this century. A growing body of research tells us that teacher quality is the most significant educational variable that influences student achievement. Yet, in many communities, low-income and minority students are assigned less-qualified teachers than their more affluent and white peers in neighboring schools and school districts.

In 2001, Congress took bold steps to ensure that all children in our public schools are taught by qualified teachers. The No Child Left Behind Act (NCLB) requires, among other things, all teachers to be "highly qualified" within four years of the law's enactment, and states and districts to remedy the disproportionate and inequitable assignment of less-experienced and less-qualified teachers to low-income students and students of color.

By July 7, 2006, all states are required to submit to the U.S. Secretary of Education Margaret Spellings revised plans stating exactly what they plan to do during

the 2006-2007 school year in order to meet the teacher quality requirements of the law. States also must include written plans detailing steps they will take to ensure that "poor and minority students are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers."

These revised plans are needed because earlier this year the U.S. Department of Education announced that no state had met all of the teacher quality provisions in the law.

From early 2002 through the end of the 2004 2005 school year, both the states and the U.S. Department of Education amassed a dismal track record when it came to ensuring compliance with the teacher quality provisions of the law.

Starting midway through 2004, however, site visits conducted in each state by the U.S. Department of Education for monitoring purposes often contradicted the rosy and incomplete data being reported by the states. Forty of these reports have been reviewed for this paper.

The Bush Administration has signaled its in tention to make a mid-course correction and, under Secretary Spellings, has begun to devote serious attention to NCLB's teacher quality provisions. Halfway through 2005, the Department finally began taking action to enforce the teacher quality provisions of the law, including the teacher equity provision that had been all but ignored in previous years. The Department's actions included publishing expanded policy guidance, signaling states that compliance with these provisions is required, and—more controversially—giving states that had made a "good faith" effort to comply with the law an extra year to meet the law's goals.

In the weeks and months following the states' submissions of their July 7th plans, there are several key issues that Congress, advocates, educators, and the press should be sure to track, including: (a) exactly how states say they will address the teacher quality provisions of the law during the upcoming year, (b) how carefully the Department of Education evaluates and enforces the revised state plans during 2006-2007, and (c) whether states take meaningful action to address the law's requirements or continue their patterns of resistance, delay, and misreporting.

Increased scrutiny during 2006-2007 is nec essary because states, districts, and the U.S. Department of Education have over the past four years demonstrated high levels of inattention and, in some instances, deep-seated resistance to the law's teacher quality provisions. (Already, some states, like Utah, have indicated in the press that they plan to ignore the July 7th date and submit their revised plans in the fall.)

Providing qualified teachers for low-income children is one of the most important and challenging elements of the law. The likely consequence of a continued lack of state and federal enforcement is clear. The most significant national effort to date to reform and improve public schools will be deemed a failure, not because it had been tried and found wanting, but because it had really not been tried at all. And the losers will be children.

Recommendations

Transparency and Open Records

1. The Department of Education should immediately post on www.ed.gov the state teacher equity plans that were reviewed by its staff in connection with Title II site visits and compliance reviews.

2. The Department should immediately post on www.ed.gov all state revised teacher quality plans it receives. The teacher equity plans required by Sec. 1111(b)(8) and all other supporting documents should be posted as well.

3. States should also post these plans on their own state education agency websites. Data Quality

4. All self-reported data from states and school districts should be subject to verification and audit. The Inspector General should immediately begin spot-checking data submitted by the states to demonstrate compliance with Sections 1119 and 1111(b)(8). The Department should not accept state data at face value until it knows (a) what definitions were used and (b) whether data are reported correctly by teacher, by classes taught, and by classes not taught.

5. States found to have submitted incomplete, inaccurate, or fraudulent data should be penalized appropriately.

6. The Department and the states should seek advice and assistance from data-quality experts and a range of education stakeholders in identifying the data collection needs and challenges with respect to evidence needed to demonstrate compliance with Sections 1111(b)(8) and 1112(c)(1)(L). The Department should report these challenges to Congress and the public and take steps to provide immediate technical and other assistance to states and school districts to ensure that needed information is collected, examined and disseminated.

Fostering Innovation

7. The Department should continue to encourage, support and disseminate innovative ways that districts and states can move quickly toward meeting the teacher equity provision of the law. This could include, e.g., examining the merits of: a) various alternative certification programs, along with alternate routes to the teaching profession such as Teach for America, Troops to Teachers, and mid-career transfers, and b) additional compensation, loan forgiveness, pay-forperformance, and other incentives needed to attract and retain highly qualified teachers to the schools with the highest needs and greatest shortages. The Department should also consult with teachers and principals in high-achieving, high-poverty schools and disseminate information about best practices in school leadership and management.

Enforcement

8. The Department should resolve to review all state teacher equity plans under a familiar and time-tested standard in the educational equity field. In landmark cases enforcing its 1954 decision Brown v. Board of Education, the Supreme Court emphasized in 1968 and again in 1971 the duty of education officials to produce a plan "that promises realistically to work now." The Court further declared that a remedial plan should "be judged by its effectiveness."*

9. The Department should require states to demonstrate that they have and will utilize a process to enforce compliance by school districts with the requirements of Section 1112(c)(1)(L).

10. The Department should begin to impose sanctions—including withholding of funds or other legal action—against states that cannot demonstrate full compliance with the teacher equity provisions of the law. The Department should take these actions against states that a) do not submit detailed equity plans that meet the requirements of Sec. 1111(b)(8) by July 7, 2006, b) are not making significant progress in closing the teacher-quality gap both within districts and on an interdistrict basis within the state, or c) do not demonstrate a probability of taking effective steps to remedy inequities in the distribution of teachers during or before the end of the 2006-2007 school year.

11. The Department should seek the advice and counsel of a broad range of stakeholders including representatives of parents, educators, and civil rights organizations.

SECTION I

Introduction

Teacher Equity

The Citizens' Commission on Civil Rights believes every child has the right to an education that will prepare her or him for postsecondary education, meaningful work and full participation in our democracy. We believe in the role of public schools as the "great equalizer" in providing opportunity for academic success to the children of rich and poor alike. Finally, as a natural extension of the principles of Brown v. Board of Education, we have long endorsed a strong federal role to ensure that our nation's public school systems live up to our national demands for both equity and excellence.

The evidence convinces us that improving the quality and equitable assignment of teachers is a paramount civil rights issue for school children in this century. A growing body of research tells us that teacher quality is the most significant educational variable that influences student achievement. Yet, in many communities, low-income and minority students are assigned less qualified teachers than their more affluent and white peers in neighboring schools and school districts. Perhaps the most significant initiatives needed to close race and income-based achievement gaps are those aimed at ensuring both that all students have qualified teachers and, more specifically, that so-called "teacher quality gaps" between poor and minority students and other students are closed.

In this report, we examine the new provisions on teacher quality contained in the 2001 Amendments to Title I of the Elementary and Secondary Education Act of 1965. These provisions are a bold step by the federal government to level the educational playing field between schools enrolling significant numbers of minority and low-income children and other schools. If states and school districts can comply—with strong leadership from Washington—with both the letter and spirit of the teacher-quality parts of the law, children's opportunities to succeed will increase ex-

*Green v. County School Board, 1968; Swann v. Char lotte-Mecklenburg Board of Education, 1971.

ponentially. If education officials at any level lack the political will to ensure all students have capable teachers, we can anticipate that large numbers of our most vulnerable children will continue to fall behind.

The Problem: A Gaping Teacher Quality Gap

When Congress debated and eventually adopted the teacher quality provisions of No Child Left Behind, it was aware of a persistent "teacher quality gap" across the United States. That is, that minority and low-income students are disproportionately taught by less qualified teachers, including those who have not obtained full state certification, who are teaching out-offield, or who are new to the profession and inexperienced.

Since the law's enactment, even more evidence has been gathered on the widespread teacher quality gap.

Earlier this summer, a report from the Education Trust, Teaching Inequality, provided additional evidence that lowincome children in particular are being denied access to their fair share of highly qualified teachers.

Looking at three states—Illinois, Ohio, and Wisconsin—the report found that schools with high percentages of lowincome and minority students are several times more likely to have teachers who are inexperienced, have lower basic academic skills, or are not highly qualified.

Because experienced, fully qualified, and highly trained teachers cost more than novice or probationary teachers, the teacher equity gap also creates tremendous financial inequities among schools.

In a 2004 study of Baltimore City, Baltimore County, Cincinnati, and Seattle, the difference in funds distributed by the districts to high-poverty schools ranged from $400,000 to $1 million per school.

According to another recent study from the Education Trust, California's Hidden Teacher Spending Gap, high- and low-minority schools in the ten largest school districts in California have spending gaps that range from $64,000 to $500,000 per school.

The study also found that, collectively, teachers serving students in schools that enroll low-income K-12 youngsters receive, on average, $140,000 less than teachers in wealthy schools. That gap grows to $172,000 for students in schools that serve mostly Latino and African-American students.

At least a few states have published their own data on the extent of the teacher quality gap between high-poverty and low-poverty schools. For school year 2004-2005:

- Ohio reported that 77 percent of high school teachers teaching high-poverty students were highly qualified, compared to 95 percent of those teaching low-poverty students.
- New York reported that 82 percent of its elementary school teachers teaching high-poverty students were highly qualified, compared to 98 percent of teachers working with low-poverty students.

What Makes the Law's Teacher Quality Provisions So Challenging?

Implemented properly, the teacher quality and teacher equity provisions of the law require states, districts, and schools to make changes that rival or even exceed the changes required thus far of them under other provisions of the law. This is because, more than any other set of provisions in the law, the teacherquality ones contemplate new institutional arrangements in both advantaged and disadvantaged schools.

Teachers, like other professionals, tend to gravitate to employers who pay higher salaries and offer better working conditions. In most states these are school districts with an affluent population, not those with substantial numbers of poor children and children with special needs. Attracting high quality teachers is also difficult in an era when other more remunerative professional opportunities are now open to women and others once limited to teaching by discrimination.

Consequently, getting high-quality teachers into schools with the greatest needs will require rewards and incentives and perhaps differentiation in salary and status for those willing to take on the challenge of teaching students with the greatest needs. But bold initiatives to elevate teachers' status and close the gap seem in short supply.

Even the law's reporting requirements with respect to teacher quality have presented a major challenge for many states. According to Technology Counts 2006, only five states—Arkansas, Georgia, Louisiana, Ohio, and Tennessee—collect every form of information in the survey on both students and teachers, and are able to link their student and teacher data systems.[1]

In addition, the law contains potential loopholes that weaken its impact, including allowing states to provide selfreported (unaudited) teacher quality data, and not requiring states to obtain prior approval from the Department for definitions of teacher quality.

What the Law Requires: "Highly Qualified Teachers" and Action to Close the Teacher Quality Gap

Five years ago, when Congress amended the Elementary and Secondary Education Act of 1965 to create No Child Left Behind (NCLB), it adopted as federal policy that all students must achieve their states' proficiency levels in reading and mathematics by the 2013-2014 school year.

The law contained significant new provisions in federal education law calling for strengthened state accountability systems, increased parental choice, and other measures to close student achievement gaps. Like its predecessor, the Improving America's Schools Act of 1994 (IASA), NCLB placed unprecedented new responsibilities on educators and education officials at all levels: federal, state, district, school and even classroom.

The bulk of the early implementation efforts with respect to the law focused on the assessment and accountability provisions. These have included, for example: definitions of "adequate yearly progress," developing annual assessments in reading and math, and providing tutoring or choice options to students in low-performing schools.

Until recently, however, the law's teacher quality provisions were less prominent and not widely reported on. In short, these sections of the law require two things. First, all core academic classes must be taught by "highly qualified teachers" by the end of the 20052006 school year. Second, both states and school districts must ensure that "poor and minority students are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers." (See Appendix A.)

All Teachers "Highly Qualified" (Sec. 1119)

The basic requirement for providing highly qualified teachers in all core academic subjects is found in Section 1119 of the law. Here the law requires that all teachers of academic core classes meet the federal definition of "highly qualified" by the end of the 20052006 school year. It also requires states to redress the disproportionate use of under-qualified teachers in high poverty and minority schools.

To be "highly qualified" teachers of core academic subjects must have (1) a bachelor's degree, (2) full state certification, and (3) demonstrated subject matter competency in the academic subject they teach. This definition pertains to all teachers in public schools, veteran and newly hired alike. And it applies regardless of whether the school receives federal Title I financial assistance, or whether the students are disabled or limited English proficient.

NCLB also requires states to adopt a definition of "highly qualified" aligned with the federal law and to report each year the progress that is being made in reaching the 100 percent "highly qualified" by the deadline. And to jump-start the process, Congress required all new teacher hires in Title I schools to be highly qualified, beginning with the first day of the 2002-03 school year.

Along with reporting this information to the U.S. Department of Education, states have to make data available to the public and to parents about the percentage of teachers in the state and by district that met the state's definition of "highly qualified."

The Teacher Quality Gap-Closing Requirements (Secs. 1111 and 1112)

Section 1111(b)(8)(C) of Title I requires states to take steps to ensure that "poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, and out-of-field teachers." Congress required states to incorporate their teacher quality gap-closing plan, and other plans to ensure district and school capacity to carry out the Act, into the overall Title I plan each state submits to the Secretary of Education for approval. Federal approval of these plans is necessary in order to keep federal dollars flowing to the states.

Similarly, in section 1112, the law requires each local educational agency (LEA), or school district, receiving Title I funds to "ensure * * * that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers."

States are also required to establish measurable objectives for each LEA and school that, at a minimum, shall include an annual increase in the percentage of highly qualified teachers in each LEA and school to ensure that all teachers teaching in core academic subjects in each public elementary and secondary school are highly qualified not later than the end of the 2005-06 school year.

Reporting Requirements

The law also has a number of important provisions requiring transparency and reporting of teacher quality information to parents, the public, and to the U.S. Department of Education and the Congress. For example, teacher quality information is required on state "report cards." Parents have a right to know their child's teacher's credentials to teach and whether s/he is highly qualified under the law.

The law requires each state to report on whether it has met its performance targets in its consolidated application, including indicators regarding qualified teachers and the percentage of classes being taught by highly qualified teachers in the aggregate and in high poverty schools.

SECTION II

A Dismal Track Record (2002-2005)

From the vantage point of summer 2006, it is clear that implementing these teacher quality and equity provisions of the law was not a priority for either the states or the Bush Administration for the first three years after the law was enacted.

While messages on compliance with the law generally were clear and forceful with respect to the testing and accountability requirements, the Bush Administration in its first term was relatively silent on teacher quality.

Episodic Guidance and Lax Enforcement

The Department's non-regulatory policy guidance on teacher quality has been a moving target. Since 2002, the Department has released several drafts but still has yet to finalize the guidance, even as statutory deadlines have come and gone. Moreover, the Department has undertaken virtually no enforcement of the teacher quality equity provisions. Consequently, states and school districts were left largely to their own devices when it came to defining, implementing, and reporting progress on the teacher quality provisions of the law most needed by disadvantaged students.

In June 2002, six months after the law was enacted, the Department issued the first draft non-regulatory guidance on the Improving Teacher Quality State Grants (Title II Part A) that contained a section on highly qualified teachers. This draft guidance was subsequently revised at least four more tines: December 19, 2002; September 12, 2003; January 16, 2004; and August 15 2005. As the December 19, 2002 document announced, the guidance was designed to provide assistance to state and local program administrators as they implemented Title II Part A grants and was to be viewed as a "living document." Each successive version of the draft guidance included more issues addressed in question and answer format. The field obviously had many questions about how the new law applied to a multitude of issues, and the answers became more numerous and more expansive. The number of Q's and A's grew from 10 in June 2002 to 41 in August 2005. Still, there was no attention to the equity plans required under Section 1111 b 8 C.

According to the General Accounting Office (now the Government Accountability Office), the Department's work-inprogress was not by any means a comprehensive treatment of the requirements, nor did it assist states in aligning the federal requirements with existing state criteria. According to the GAO's analysis, for example, the Department's December 2002 draft guidance provided little more information than the plain words of the statute and failed to help states navigate some difficult compliance issues.

In the meantime, former Secretary Rod Paige had begun emphasizing additional "flexibility" for teachers in rural schools and other settings. Under his policy, teachers in rural school systems who were highly qualified in at least one subject would have up to three years to become highly qualified in the additional subjects they teach. They must also be provided professional development, intense supervision or structured mentoring to become highly qualified in those additional subjects.

Like rural teachers, science teachers often provide instruction in more than one academic content area. Paige decided to allow states, using their own current certification requirements, to permit science teachers to demonstrate that they are highly qualified either in the "broad field" of science or in individual fields of science, such as physics, chemistry, or biology. Finally, he announced that states could streamline the HOUSSE for incumbent, multi-subject teachers by developing procedures that allow these teachers to demonstrate that they are highly qualified all in one process.[2]

"Pie in the Sky" Reports from States

Into the void created in part by the absence of strong federal leadership, many states provided highly suspect and misleading data during the early years of the

law, claiming that virtually all of their teachers had already met the law's goals with regard to teachers' qualifications and their equitable distribution to schools. And, in the absence of prodding by the federal government, states and districts largely conducted business as usual with respect to hiring and assigning teachers to low- and high-need schools and classrooms.

For example, when it came to filing the first data reports with the Department of Education for the 20022003 school year, one-fifth of all states reported that 90 percent or better of academic core classes were already taught by highly qualified teachers. Twelve states reported no data at all. The remaining states made an effort to report what data they could, even if it didn't meet the federal requirement.

Table 1 illustrates just how incomplete and overly optimistic the initial state-provided teacher quality reporting was, considering that we now know no state met the 100 percent requirement within the allotted four-year timeframe.

At this early stage, some states could report the number and percentage of highly qualified teachers, but not the percentage of classes taught by highly qualified teachers.[3] This was and still is a critical issue. Still others were unable to report data for high and low poverty schools.

The results were much the same for 2003-2004, the second year of the law. After another year with virtually no federal oversight, even more states reported nearly-complete compliance with the 100 percent highly qualified goal that was still two years away. Of 47 reporting states, 31 reported that 90 percent or more of their academic classes were taught by "highly qualified" teachers.

It turns out that the data most states reported for the 2002-2003 and 2003-2004 school years were largely bogus.

Ongoing USDE Failure to Question Teacher Quality Data or Heed Available Reports

Amazingly, these faulty data on teacher quality were accepted and even reported out to Congress and the public without question by the Department of Education—despite several indications that the teacher quality data might not be accurate.

During the 2002-2003 school year, the first full school year after the law's enactment, the General Accountability Office conducted a survey of the 50 states and the District of Columbia and a sample of 830 school districts. Charged by Congress to determine whether the teacher quality provisions of the law were being implemented appropriately, the GAO concluded that any survey data of the number and percentage of academic core classes taught by highly qualified teachers "would not likely be reliable."[4] In particular, the GAO report faulted the Department's guidance on implementing the requirements.

(Of course, states could have acted on their own to implement the quality and equity provisions of the law. Even without guidance, the statutory language and accompanying regulations are more than specific enough.)

Meanwhile, the evidence contradicting the states' rosy reports kept coming in—and kept being ignored. The Council of Chief State School Officers conducted a detailed analysis of the Department's own data collected by the National Center for Education Statistics in the School and Staffing Survey (SASS). In October 2003, CCSSO reported that the "SASS data on certification analyzed by state indicated that many states are far from the NCLB goal of highly qualified teaching staff in all schools and classrooms in grades 7-12."[5] The problem was particularly acute in the field of teaching math. In 1994, only 12 states had over 80 percent of teachers whose main assignment was in math who had a major in math or math education. By 2000, only seven states had over 80 percent with a major in the field. Similarly, in 1994 17 states had over 80 percent of teachers whose main assignment was in a science field had a major in a science field or science education. By 2000, that number had declined to 13 states.

A December 2003 Education Trust report analyzed state-reported data for the 2002-2003 school year regarding the distribution of highly qualified teachers and found that states largely reported unreliable or questionable data and that the Department of Education took no action to insist or to enable the states to report honest data.[6]

TABLE 1.—PERCENT OF CORE ACADEMIC CLASSES TAUGHT BY HIGHLY QUALIFIED TEACHERS AS REPORTED BY STATES FOR THE 2002–2003 SCHOOL YEAR

State	State aggregate	High-poverty schools	Low-poverty schools
Alabama	35	29	36
Alaska	Data not available	Data not available	Data not available
Arizona	95	90	100
Arkansas	Data not available	Data not available	Data not available

TABLE 1.—PERCENT OF CORE ACADEMIC CLASSES TAUGHT BY HIGHLY QUALIFIED TEACHERS AS REPORTED BY STATES FOR THE 2002–2003 SCHOOL YEAR—Continued

State	State aggregate	High-poverty schools	Low-poverty schools
California	48	35	53
Colorado	86	Data not available	Data not available
Connecticut	96	95	98
Delaware	85	85	95
District of Columbia	43	37	44
Florida	91	93	92
Georgia	94	95	96
Hawaii	80	73	84
Idaho	98	99	Data not available
Illinois	98	95	100
Indiana	96	95	97
Iowa	95	95	95
Kansas	80	80	79
Kentucky	95	97	93
Louisiana	85	78	90
Maine	Data not available	Data not available	Data not available
Maryland	65	47	76
Massachusetts	94	88	Data not available
Michigan	95	90	99
Minnesota	Data not available	Data not available	Data not available
Mississippi	85	81	87
Missouri	95	90	97
Montana	Data not available	Data not available	97
Nebraska	90	82	93
Nevada	50	50	62
New Hampshire	86	84	88
New Jersey	Data not available	Data not available	Data not available
New Mexico	77	71	76.5
New York	Data not available	Data not available	Data not available
North Carolina	83	78	86
North Dakota	91	94	91
Ohio	82	78	97
Oklahoma	98	97	98
Oregon	82	72	86
Pennsylvania	95	93	99
Puerto Rico	Data not available	Data not available	Data not available
Rhode Island	Data not available	Data not available	Data not available
South Carolina	Data not available	Data not available	Data not available
South Dakota	89	79	91
Tennessee	34	35	33
Texas	76	69	81
Utah	Data not available	Data not available	Data not available
Vermont	92	93	92
Virginia	83	77	87
Washington	83	88	79
West Virginia	94	96	98
Wisconsin	Data not available	Data not available	Data not available
Wyoming	95	99	98

Source: Department of Education, No Child Left Behind Act, Annual Report to Congress, pp. 21-22, February 2005.

In a follow-up study conducted between November 2004 and October 2005, the GAO told Congress that "the quality and precision of state-reported data make it difficult to determine the exact percentage of core academic classes taught by teachers meeting the requirements."[7] The GAO concluded that the progress states had made from the 2002-2003 to the 2003-2004 school year was due to the increased capacity to track and report data, not real improvements in teacher quality.

In each of these cases, there was no clear response from the Department, which simply passed the state data along to Congress and the public. The Department's first report to Congress under the National Assessment of Title I republished the states' data showing that 31 had reported 90 percent or more of classes were taught by highly qualified teachers. Only eight states reported that their percentage was below 75 percent.[8]

States' claims—many of them grossly exaggerated and none of them audited—went largely unquestioned and unchallenged for another two years.

The non-governmental sector issued similarly optimistic news about states' capacity to comply with the teacher quality requirements. The Center on Education Policy has monitored the implementation of the NCLB by all states and in selected districts for four years. The Center conducts its own surveys based on the response of educators and administrators to questionnaires. The Center reported earlier this year that its own surveys and case studies "suggest that most teachers already meet NCLB's highly qualified requirements and that few differences exist in the proportion of highly qualified teachers among urban, suburban, and rural districts or districts of different sizes.[9]

TABLE 2.—EXHIBIT 48: PERCENTAGE OF CLASSES TAUGHT BY HIGHLY QUALIFIED TEACHERS

[As reported by States, 2003–04]

	Percent		Percent
Total	86%		
Alabama	77%	Michigan	92%
Alaska	.....	Minnesota	99%
Arizona	96%	Mississippi	93%
Arkansas	.....	Missouri	96%
California	52%	Montana	99%
Colorado	91%	Nebraska	91%
Connecticut	99%	Nevada	64%
Delaware	73%	New Hampshire	73%
District of Columbia	New	Jersey	94%
Florida	89%	New Mexico	67%
Georgia	97%	New York	92%
Hawaii	73%	North Carolina	85%
Idaho	97%	North Dakota	77%
Illinois	98%	Ohio	93%
Indiana	96%	Oklahoma	98%
Iowa	95%	Oregon	87%
Kansas	95%	Pennsylvania	97%
Kentucky	95%	Puerto Rico	.....
Louisiana	90%	Rhode Island	76%
Maine	90%	South Carolina	75%
Maryland	67%	South Dakota	93%
Massachusetts	94%	Tennessee	58%
Texas	92%	Washington	99%
Utah	69%	West Virginia	96%
Vermont	.....	Wisconsin	98%
Virginia	95%	Wyoming	99%

Note: Forty-seven states provided data for this table, but the national estimate is based on 42 states that reported both a numerator and a denominator for calculating the percentage of classese taught by highly qualified teachers.

Source: Consolidated State Performance Reports.

Source: U.S. Department of Education, Institute for Educational Services, Office of Planning, Evaluation, and Policy Development, National Assessment of Title I: Interim Report, Vol.1. Implementation of Title I, p. 75 (February 2006)

SECTION III

Site Visit Reports Provide a Reality Check

Neither the states nor the Department of Education could keep their heads in the sand forever.

Finally, in mid-2004, two and a half years after the law went into effect, federal officials began to visit states to determine whether they were complying with the teacher quality provisions.

Compliance Reviews Provide a Reality Check

Forty of the Department's state reviews were obtained by the Citizens' Commission and analyzed for this report. This body of evidence, from the Department's own professional review teams, reveals stunning evidence of what little progress most states had made on implementing the teacher quality and teacher equity provisions of the law—as recently as this spring—and how minimally the Department has been verifying states' efforts on teacher equity until this point.

While inconsistent in depth, these site visit reports found a broad span of problems with how states were implementing the teacher quality and equity provisions of the law. They found that teachers in many states were being classified as "highly qualified" based on criteria that did not match what federal law required. Long-time teachers were simply treated as "highly qualified" because of their seniority. Veteran teachers were deemed "highly qualified" based on insufficient evidence of subject matter knowledge. State report cards did not include all required data about teachers.

State Examples

Three states reporting the highest percentage of "highly qualified" illustrate the problems found in these visits.

Washington State

Following a May 2005 visit to Washington State, Department of Education monitors found that the state had incorrectly reported that 99 percent of all its teachers were highly qualified because: a) new and veteran teachers were considered "highly qualified" by virtue of holding an elementary or special education degree and b) middle school social studies teachers probably lacked evidence of adequate subject-matter competency.

Connecticut

The Department of Education monitoring team reviewed Connecticut in January of 2006. This state instituted subjectmatter testing of elementary teachers in 1988, so every teacher hired on or after that date who also held a bachelor's degree and full state certification would meet the federal standard. But Connecticut considered all veteran teachers hired prior to 1988, as well has those with the emergency/provisional license, to be "highly qualified." [NB: The state came to an agreement regarding veteran teachers in June 2006.]

Furthermore, the state had not yet collected teacher data from all of its 195 districts, nor did it have a statewide data base that included "highly qualified" teacher information. The state has a licensure and certification database and had been using these data as a proxy for its reports that 99 percent of core academic classes were being taught by teachers who were "highly qualified."

With few exceptions, Connecticut included all certified teachers, even if the teachers had not yet demonstrated content knowledge. Though the state admitted, according to the federal monitoring report, that these teachers are not yet "highly qualified," it nonetheless failed to count them as "not highly qualified" [emphasis added].

Minnesota

During the Minnesota monitoring review in November 2005, federal officials found that the state considered all elementary teachers licensed prior to 2001 to be "highly qualified" even if they had not demonstrated subject matter competency. In addition, Minnesota did not require teachers hired after the first day of the 2002-2003 school year to take a rigorous test of subject-matter knowledge. Instead, they were permitted to use the same procedures the law prescribes only for veteran teachers. As a result, the reports that 99 percent of the states' teachers were "highly qualified" were inconsistent with the law.

These examples from Washington, Connecticut, and Minnesota are fairly typical of the compliance issues found in states that had consistently reported near perfect compliance from the start.

Other states had far fewer citations for violations of the legal requirements. Typical of those states were issues concerning special education teachers, the use of the broad-field social studies certificate rather than a subject-specific criteria or test, and incomplete reporting of data to parents and on the state report card.

For example, the Department's review of Arizona in the spring of 2005 found that the state's High Objective Uniform State Standard of Evaluation (HOUSSE) standards were not consistent with the law for new and incumbent teachers with respect to determination of subject matter knowledge. Other inconsistencies included: differing criteria for special education teachers teaching an academic core class; use of broad social studies certificate; and granting provisional certification to teachers from other states who have not taken the Arizona Educator Proficiency Assessment.

Ongoing Inattention to the Teacher Equity Provision in Departmental Reviews

In Arizona's case and elsewhere, the site reviews were meant by the Department to ascertain states' teacher equity compliance as well.

However, given flaws and problems with states' fundamental definitions and reporting capacities, the site reports suggest that very few could provide data like the

required percentage of teachers at each grade span who met the highly qualified standards, much less break out their distribution according to student poverty or race (school performance is not a measure in the law).

In addition, these federal monitoring reviews do not seem to have given any special concern for the inequitable distribution of teachers. It was not included in all reviews. Nor do the monitoring reports provide any indication of the quality or the comprehensiveness of the state's equity plan—merely that it existed and met the minimum statutory requirement. The standards for measuring these teacher equity plans were superficial, and neither states nor the Department have produced teacher equity plans for public review.

As a result, the site reviews frequently contain no information for teacher equity provisions.

Of the initial 31 monitoring reviews conducted, the teacher equity provision was not mentioned in 14. These states include: Arkansas, Delaware, Hawaii, Iowa, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, South Dakota, Vermont, Utah, and Wyoming.

In 13 states, the matter of the equity plan was included and the state was considered to have met the requirement.[10] These states include Alaska, Arizona, California, District of Columbia, Georgia, Louisiana, Maine, Michigan, Mississippi, New Jersey, New Hampshire, South Carolina, and Washington State.

Nine state reviews asked about teacher equity and cited the state for having no plan: Illinois, Ohio, Oregon, Tennessee, Connecticut, Florida, Idaho, Missouri, and Pennsylvania.

Another critical but frequently missing item according to the site reviews was whether the state had met the basic requirement for a statewide plan with Annual Measurable Objectives (AMOs) and percentage Another critical but frequently missing item accord-increases for HQTs for each district and school in the state.

SECTION IV

Talking Tough—Or Opening the Barn Door Farther?

"The day of reckoning is here, and it's not going to pass."
—Dr. Henry Johnson, U.S. Assistant Secretary of Education.*

By the summer of 2005, it must have been clear to Department officials that their oversight of the teacher quality provisions would not withstand any reasonable scrutiny, and that states stood little chance of meeting the law's 2006 deadline.

In response, Secretary Spellings began a belated but pragmatic-minded attempt to generate meaningful implementation of the teacher quality provisions by the states.

This strategy included developing new and much more specific requirements for states regarding the teacher quality and equity provisions of the law. At the same time, the Department determined that it would give states an extra year to meet the 100 percent requirement, assuming that the states were making a "good faith" effort to comply with the law.

Given the lack of enforcement until very recently, the Department probably had no choice but to give states more time to meet the original requirements. However, it remains to be seen whether the Department or the states will make gainful use of this additional time.

Revised and Expanded Guidance

In August 2005, the Department issued another version of the Highly Qualified Teachers and Improving Teacher Quality State Grants Non-Regulatory Guidance. Again, the guidance was labeled a "draft." And yet again, there was no attention to the equity plans required under Section 1111(b)(8)(C).

As a result, on the eve of the school year in which all states and school districts needed to meet NCLB's highly-qualified requirements, the Department still did not have guidance it considered to be finalized. Nonetheless, this version of the guidance was more detailed about the standard for evaluating the subject matter knowledge of veteran teachers, the socalled HOUSSE; how teachers in the middle grades must meet subject-matter requirements if they hold a K-8 certificate; how teachers who teach multiple subjects can demonstrate subject-matter knowledge; and what teachers must meet the federal "highly qualified" criteria.

Even at this late date, however, the guidance still failed to address the §1111 (b)(8) plan for redressing disparities based on students' race or income in the assignment of qualified and experienced teachers.

---

*Associated Press, May 12, 2006.

Finally, it is noteworthy that as of the publication date of this report, neither this draft of the guidance nor any previous drafts were posted on the Department's website. Users of ed.gov are informed only that "Highly Qualified Teachers: Title II Part A Non-Regulatory Guidance will be revised soon."[11]

The "Good Faith" Extension

In the fall of 2005, the Department announced that states would be given an extra year to meet all of the teacher quality requirements of No Child Left Behind, providing that they had made a "good faith" effort to comply with the law.

According to an October 21 announcement, in order to determine if it meets the good faith standard a state must (a) have a definition of "highly qualified" that is consistent with the law and is used to determine the status of all its teachers, (b) provide the public and parents with accurate and complete reports on the number and percentage of classes taught by highly qualified teachers, (c) report complete and accurate data to the Department of Education, and (d)—perhaps most important of all—have taken action to ensure that inexperienced, unqualified, and out-of-field teachers are not teaching poor and minority children at higher rates than other children.

The Department reinforced this four-part test in a March 12, 2006 pronouncement. If a state was making substantial progress and had met the good-faith standard, it would not be required to submit a new plan. Alternatively, if a state was not making substantial progress but had shown good faith, a revised plan would be required. Finally, a state that had not made a good faith effort would be required to submit a revised plan and would be subject to possible sanctions. The Department provided the specific protocol that it would use in placing states in one of these three categories. However, the Department had already concluded that it would ask most states to submit a revised plan.

New Prominence for Teacher Equity Provision

At roughly the same time, Secretary Spellings issued a letter to Chief State School Officers in which the steps states were taking to ensure that experienced and qualified teachers are equitably distributed was mentioned as one of the four issues by which a state's compliance would be judged.

This was the first real indication in four years that the Department was going to take these provisions seriously. But once again, no specific guidance was mentioned, such as the measures that would be taken to evaluate and publicly report for a state plan to ensure equitable distribution of teacher talent.

The Call for Revised Teacher Quality Plans

On May 12, 2006, the Assistant Secretary for Elementary and Secondary Education, Henry L. Johnson, announced—to the surprise of no one—that no state had succeeded in meeting all the teacher quality or equity requirements within the original timeframe.

According to the Department, 29 states had made "good faith" efforts to comply with the law. Nine states—Alaska, Delaware, Idaho, Iowa, Minnesota, Montana, Nebraska, North Carolina, and Washington -faced possible compliance agreements or partial withholding of federal funds because the Department of Education questioned their data and level of good faith in carrying out the law.

The states that were among the handful identified as not having made a good faith effort had not, for example, adopted a definition of highly qualified that was consistent with the law. The Department has threatened to withhold a portion of these states' Title II funds.

The Department then sent letters in May and June to all of the states indicating whether they met the "good faith" requirement and identifying key elements and provisions that needed to be addressed in the revised plans. Some of this information came from the monitoring site visits conducted during 2004-2006 (described in the previous section). Each state was provided with written documentation, including a profile of each state's progress called "Assessing State Progress In Meeting the Highly Qualified Teacher Goal." (Appendix B provides an example from one state, New Jersey.)

SECTION V

Unanswered Questions

With these recent actions, the federal government has laid out in the most explicit and detailed fashion yet what it will require in the coming year and how state performance will be judged.

Ideally, the Department will require states to take bold action during the one-year extension in view of the law's requirement that all children achieve the proficient standard in reading and mathematics by the 2013-2014 school year.

Some states, such as Iowa and Connecticut, have already taken some steps since May to address issues raised by the Department.

In early June, Iowa agreed to require that its new elementary school teachers take a content exam (Praxis II) as a part of the state certification process.[11]

The following week, Connecticut—which had previously maintained that 99% of its teachers were highly qualified—agreed to develop a HOUSSE procedure to evaluate whether roughly 13,000 veteran teachers were highly qualified or not.

What Happens Next: Scrutinizing Revised State Plans

All of the states were asked to submit a revised plan by July 7, regardless of whether they were deemed to have acted in good faith or not. These plans must specify the actions that states agree to take to meet the teacher quality provisions of the law, including the 1111(b)(8) equity plan.

A protocol, Reviewing Revised State Plans, was provided along with the letter to chief state school officers. It contains six explicit requirements that a revised plan must contain. These revised plans are meant to respond to letters that each state was provided in May. (See Appendix C.)

The Department announced three key issues that it would examine in the revised plans which, taken together, represent the most explicit and detailed statement to date regarding what is required in the coming year and how state performance will be judged.

First, the revised plans should be based on data, especially student achievement data. Schools and districts not making adequate yearly progress and groups of teachers, such as those in low-performing schools who remain underqualified, should receive particular attention. The Department's review will expect to see revised plans structured around using available resources to meet the needs of these teachers.

In addition, the states must have "a detailed, coherent set of specific activities to ensure that experienced and qualified teachers are distributed equitably among classrooms with poor and minority children and those with their peers." Several states had several strategies to address the problem but did not have a comprehensive plan. The Department has said it will expect "states to be more strategic than they have in the past in encouraging schools and districts to pay attention to how qualified teachers are assigned and take new actions to address this issue."

Last but not least, the states must also complete implementing procedures for designating veteran teachers highly qualified, including multiple-subject teachers in rural schools, new special education teachers who are highly qualified in at least one subject at the time they are hired, and teachers who come to the United States from other countries to teach on a temporary basis.

Unanswered Questions

It remains to be seen whether the Department's good faith requirements and its future oversight of the teacher quality issue are stringent enough to warrant the additional time. It also remains unknown how carefully the Department will review the revised state plans, and how closely it will monitor and enforce states' progress in following them.

"Good faith" tests have in the past proven insufficient to generate difficult actions on the part of states, and there is good reason to be concerned that the Department's definition of good faith may not be sufficiently rigorous or that it may not carefully scrutinize states' claims of having made a good faith effort.

Following are some questions that Congress, advocates, the press, and others should be sure to ask in the weeks and months ahead:

• What will happen to the states that did not meet the Department's "Good Faith" requirement?

According to recent press accounts, some states reportedly are already off the list,[12] including Alaska, Delaware, Minnesota, and North Carolina. States on the verge of getting off[13] include Montana, Nebraska, Iowa. That leaves only Idaho and Washington.

• What happened so fast in these states that compliance action is no longer contemplated?

• Will any state be fined, or see federal funding withheld?

The press has also reported that Department officials don't expect to restrict or hold back state funds.[14] However, Department officials have indicated that six unnamed states plus the District of Columbia and Puerto Rico will have "a condition

placed on their grant" that will be removed when the state provides evidence that they have met their commitment to correct their deficiencies.[15]

• How carefully will the department review and how vigorously will it enforce the revised plans from states?

News accounts have already reported that Utah will not submit its revised plan on time. It is likely that other states' plans will be incomplete.

• Will the Department evaluate states' equity plans under Section 1111(b)(8) based on actual or likely results, or will good intentions and piecemeal measures—whether they reduce disparities or not—be satisfactory?

• Will the Department take steps, including audits and other measures, to discourage states from submitting incomplete, inaccurate, and fraudulent data?

• Will the Department make states' plans available to the public on its website, *www.ed.gov?*

ENDNOTES

[1] Editorial Projects in Education, Education Week, Technology counts 2006- The Information Edge, Using Data to Accelerate Achievement, p. 21. Correspondence with Elizabeth Klemick, Educational Projects in Education, May 9, 2006. For individualized state reports that include detailed information on the types of data each state collects, see *www.edweek.org/ew/articles/2006/05/04/35dsr.h25.html.*

[2] Letter from Secretary Rod Paige to Chief State School Officers, and press release, March 15, 2004.

[3] The data for the 2002-2003 school year was not reported to Congress until February 2005. US Department of Education, No Child Left Behind Act, Annual Report to Congress, pp. 21-22 (February 2005).

[4] Government Accountability Office, No Child Left Behind Act-More Information Would Help States Determine Which Teachers Are Highly Qualified, GAO-03-631 (July 2003), *http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21&filename=d0625.txt&directory=/diskb/wais/data/gao*

[5] Rolf Blank, Meeting NCLB Goals for Highly Qualified Teachers: Estimates From State Survey Data, Council of Chief State School Officers (October 2003). In the SASS, "highly qualified," as defined in the NCLBA, is measured and reported for each state using full state certification in the assigned field and a college major in the assigned field. It is therefore possible to compare teachers' preparation in each state in the academic core subjects, as this report does for mathematics, science, and English.

[6] The Education Trust, Telling The Whole Truth (Or Not) About Highly Qualified Teachers, December 2003. The initial data released by the Department of Education pursuant to Freedom of Information Act requests reveals how incomplete and sparse the raw numbers are when submitted to the federal government.

[7] Government Accountability Office, No Child Left Behind-Improved Accessibility to Education's In formation Could Help States Further Implement Teacher Qualification Requirements, p. 3. November 2005 GAO-06-25.

[8] U.S. Department of Education, Institute for Educational Services, Office of Planning, Evaluation, and Policy Development, National Assessment of Title I: Interim Report, Vol. 1: Implementation of Title I, p. 75 (February 2006.) *www.ed.gov/rschstat/eval/disadv/title1interimreport/index.html*

[9] Center on Education Policy, From the Capital to the Classroom, Year 4 of the No Child Left Behind Act, p. 152 (March 2006).

[10] Monitoring reviews only provided details about non-compliance. If a state is found to have met requirements, federal reviewers do not provide any evidence or rationale for that conclusion.

[11] Des Moines Register, *http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20060616/NEWS02/ 60616001/1004.*

[12] See a Missoulian article titled "Teachers qualified, OPI says," *http://www.missoulian.com/articles/2006/ 06/25/news/local/znews01.txt.*

[13] Ibid.

[14] Ibid.

[15] Email from U.S. Department of Education to Alexander Russo, June 2006.

[Testimony submitted by Mary E. Penich, Charleen Cain, and Barbara Lukas follows:]

Additional Testimony Submitted by Mary E. Penich, Lake County Assistant Regional Superintendent of Schools; Charleen Cain, Teacher Leader, Northern Illinois Reading Recovery Consortium; and Barbara Lukas, Teacher Leader and Interim Director, Reading Recovery Training Center, National-Louis University

It was indeed a pleasure to attend the hearing of August 28, 2006, held by The Honorable Judy Biggert, Member of the House Subcommittee on Education Reform Regarding the Reauthorization of the No Child Left Behind Act (NCLB). The legislators present exhibited great knowledge of NCLB and great interest in the experience and concerns offered by experts in the field of education. The invited witnesses were

selected thoughtfully, and their contributions to the legislators' knowledgebase will be invaluable. It is in the interest of continuing the work begun at this hearing that the following testimony is submitted. It is the writers' hope that this submission will further inform the work of legislators charged with overseeing NCLB Reauthorization. The future of America's children is at stake, and it is up to all concerned to see that in reality no child is left behind regardless of his or her circumstances.

When addressing the reauthorization of NCLB, those involved are strongly encouraged to consider the following areas: (1) Early Intervention; (2) Accelerated Learning; (3) Ongoing Formative Assessment; (4) Research-based Best Practices; (5) Professional Development and (6) Parental Involvement. These areas directly address the concern of all involved for students and schools who fail to make Adequate Yearly Progress as defined by the current law. Proactive change in these areas will accelerate this nation's move toward meeting NCLB goals.

Early Intervention requires addressing the needs of students at risk of failure very early in their educational careers in order to prevent misunderstandings and errors from becoming habitual. When errors and misunderstandings are habituated, children must "unlearn" incorrect conceptions and practices, while learning what is appropriate. The longer the misunderstandings and errors prevail, the longer the relearning process. Research indicates that students who receive early intervention during the first grade narrow or close the achievement gap along race/ethnicity and income lines when compared with students in a randomly-selected comparison group. A statewide study compared students served by The Reading Recovery Program with a random sample. The study found that students who successfully completed Reading Recovery Lessons either narrowed or closed the achievement gap along race/ethnicity lines. The results, presented at the 2004 Annual Meeting of the American Educational Research Association, San Diego, CA, can be viewed at *http: / / www.ndec.us / WebDocs / Presentations / AERA % 202005 % 20Closing % 20Gap % 20paper % 20as % 20submitted % 20to % discussants.doc.*

In light of this research, it seems reasonable to redefine the goal of NCLB by expecting all children to be readers by the end of first grade rather than by the end of third grade. Third graders who cannot read often fall hopelessly behind their more competent peers. By third grade, behavioral and emotional issues complicate these students' academic problems. The end results are often referrals for years of remediation or special education, which is a far most costly endeavor than addressing academic issues early on. Early intervention has the opposite effect. Reports out of the States of Ohio and Massachusetts illustrate these findings. The State of Ohio research abstract can be viewed at *http: / / www.readingrecovery.org / sections / research / reducingretention.asp.* The State of Massachusetts research abstract can be viewed at *http: / / www.readingrecovery.org / sections / research / becauseitmakesadifference.asp.*

Accelerated learning is another essential element in the process of narrowing the achievement gap. Low-achieving students who progress at the same pace as their more competent peers never catch up with them. However, if the pace at which these students progress is accelerated, the achievement gap between them and their successful classmates narrows or disappears altogether. When districts, schools and teachers recognize students' strengths early on, these strengths can be built upon in such a way that learning appears to come easily. This phenomenon develops skills and builds confidence, allowing tasks of increasingly greater difficulty to be mastered easily. The Reading Recovery Program provides an excellent example of the possibilities fostered by accelerated learning in the areas of reading and writing. On-going assessment throughout children's Reading Recovery programs informs the teaching which makes acceleration possible.

Ongoing formative assessment provides the much needed opportunity to honor student, school and district progress in accelerated student learning. Ongoing research-based assessments allow teachers to measure student progress throughout the academic year on a number of occasions, rather than to measure student success with a single summative test at the close of the school year. Periodic ongoing assessments allow teachers to observe misunderstandings and errors early in the learning process and to address these before they become habituated. This lessens the need for extensive "re-teaching" and "unlearning." With early and ongoing intervention, students are freed up to engage in additional leaning at a faster pace. In addition, individual student progress must be noted and honored. Many below grade level students grow far more than a year in a single school year. Yet, these students and their teachers are labeled "failures" because they are not yet performing at grade level. Labeling students, teachers, schools and districts in this manner discourages rather than encourages further progress.

High quality ongoing and locally accessible professional development is essential to district, school, teacher and student success. Educators at all levels must be well

versed in the theory, research and practical applications that underlie best practices. This involves utilization of "in house" experts who serve as resources to staff at all levels of the educational system. The Reading Recovery Program provides a globally respected model for professional development programs which are ongoing and easily accessible. Trained Reading Recovery Teachers, Teacher Leaders and Trainers receive initial training and ongoing support throughout their tenure in Reading Recovery. In turn, they are available to provide professional development to their district and school colleagues and to serve as accessible in-house experts.

Parental involvement is the last and most important consideration in the quest for student success. Communication between school and home must begin prior to children's arrival at school, it must be two-way and it must be ongoing. Parents and guardians must know at the onset what the school's expectations are, just as they must be given the opportunity to express their expectations to the school. Again, Reading Recovery provides an excellent starting point for parental involvement and ongoing home-school communications.

The Reading Recovery Program addresses the six areas addressed above through intervention for first grade children who are learning to read and write. The program's vision is to teach children to be proficient readers and writers by the end of first grade. The program's mission is to ensure access to Reading Recovery for every child who needs this support. Reading Recovery is a globally respected, research-based early intervention that has reached 1.5 million first-graders who struggle with early reading and writing. Eight of every ten (80 %) of the hardest-to-teach children who complete lessons reach grade level standards in 12 to 20 weeks of daily 30-minute lessons. Reading Recovery utilizes highly trained teachers and as a result partners with more than 20 universities and nearly 500 teacher training sites across The United States. The vast majority of schools implementing Reading Recovery use federal education funds authorized by The NCLB Act to provide professional development and instruction. Many scientifically-based and peer-reviewed journal articles support Reading Recovery's effectiveness.

In addition, Reading Recovery contributes to school success and helps schools to achieve adequate yearly progress by accelerating student learning and helping children to make continued progress, closing the reading achievement gap between white and minority students, reducing unnecessary retentions and referrals to special education, providing a Spanish reconstruction—Descubriendo la Lectura—for English Language Learners who receive classroom instruction in Spanish, reducing the cost of low-achieving students to educational systems, providing professional development that benefits educational systems at many levels, and integrating research and practice through an international network of university faculty. Reading Recovery Trained Teachers and Teacher Leaders influence the district's or school's entire literacy program across grade levels by providing local, ongoing and easily accessible professional development and support to colleagues.

It is our sincere hope that this testimony will be considered carefully throughout The NCLB Act Reauthorization Process because it is offered by practitioners whose work with children is research-based and whose successes are well documented. The immeasurable impact Reading Recovery has on the students served is perhaps the better reason to give credence to this testimony. This impact is best described by a parent's response to his child's program: "He seems to enjoy school more because he can read. He is doing great in school and doesn't feel ashamed because he can't read. My son could not read at all when he entered the first grade. He was one of the poorest readers in his class. After being in the Reading Recovery Program for a few months he can read excellent! I could not praise this program enough or the teachers."

○