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ELEMENTARY AND SECONDARY ACT REAUTHORIZATION: IMPROVING NCLB TO CLOSE THE ACHIEVEMENT GAP

JOINT HEARING

BEFORE THE

COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

U.S. SENATE

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ELEMENTARY AND SECONDARY ACT REAUTHORIZATION: IMPROVING NCLB TO CLOSE THE ACHIEVEMENT GAP

Tuesday, March 13, 2007
U.S. House of Representatives
Committee on Education and Labor
U.S. Senate
Committee on Health, Education, Labor and Pensions
Washington, DC

The committees met, pursuant to call, at 9:34 a.m., in Room 2175, Rayburn House Office Building, Hon. George Miller [chairman of the Committee on Education and Labor] presiding.

Present from the Committee on Education and Labor: Representatives Miller, Kildee, Payne, Andrews, Scott, Woolsey, Hinojosa, Tierney, Kucinich, Wu, Holt, Davis of California, Davis of Illinois, Grijalva, Bishop of New York, Sanchez, Sarbanes, Sestak, Loebsack, Hirono, Altmire, Yarmuth, Hare, Clarke, Courtney, Shea-Porter, McKeon, Petri, Hoekstra, Castle, Ehlers, Biggert, Keller, Kline, McMorris Rodgers, Price, Fortuno, Boustany, Foxx, Kuhl, and Walberg.

Present from the Committee on Health, Education, Labor and Pensions: Senators Kennedy, Clinton, Brown, Alexander, Burr, Isakson, and Murkowski.

Staff present: Aaron Albright, Press Secretary; Tylease Alli, Hearing Clerk; Alice Cain, Senior Education Policy Advisor (K-12); Molly Carter, Legal Intern, Education; Adrienne Dunbar, Legislative Fellow, Education; Amy Elverum, Legislative Fellow, Education; Denise Forte, Director of Education Policy; Michael Gaffin, Staff Assistant, Labor; Lloyd Horwich, Policy Advisor for Subcommittee on Early Childhood, Elementary and Secretary Education; Lamont Ivey, Staff Assistant, Education; Thomas Kiley, Communications Director; Ann-Frances Lambert, Administrative Assistant to Director of Education Policy; Stephanie Moore, General Counsel; Alex Nock, Deputy Staff Director; Joe Novotny, Chief Clerk; Lisette Partelow, Staff Assistant, Education; Rachel Racusen, Deputy Communications Director; Theda Zawaiza, Senior Disability Policy Advisor; Mark Zuckerman, Staff Director; James Bergeron, Deputy Director of Education and Human Resources Policy; Robert Borden, General Counsel; Kathryn Bruns, Legislative Assistant; Jessica Gross, Deputy Press Secretary; Taylor Hansen, Legislative Assistant; Victor Klatt, Staff Director; Lindsey Mask,

Director of Outreach; Chad Miller, Professional Staff; Susan Ross, Director of Education and Human Resources Policy; Linda Stevens, Chief Clerk/Assistant to the General Counsel; Sally Stroup, Deputy Staff Director; and Brad Thomas, Professional Staff Member.

Chairman MILLER [presiding]. The Committee on Education and Labor will come to order for the purposes of conducting a joint hearing along with members of the Senate from the Health, Employment, Labor and Pensions Committee.

And I would like to welcome and recognize the gentleman from California, Mr. McKeon, the ranking member of the House Education and Labor Committee, and also Senator Kennedy, the chair of the Senate committee, and the Senator John Isakson from Georgia will be filling in for Mr. Enzi. Mr. Enzi is detained in Wyoming this morning.

Each of these members will present an opening statement, without objection. All other members may submit their opening statements for the record.

When the Supreme Court said in its Brown v. Board of Education decision over 50 years ago that segregated schools cannot be equal, it affirmed the right of every child to an education on equal terms.

But despite that decision, and although many children have received a first-rate education, many others have not. Far too many children still do not have the educational opportunities that they deserve.

Instead, there has been a persistent academic achievement gap and a persistent education gap. Our nation has become too complacent about both. For far too long these problems were relegated to the backburner here in Washington, despite the harm to our children and our country.

The No Child Left Behind law brought these gaps to the forefront again, and most supporters and opponents of the law will agree that we must make the closing of these gaps a national priority. That is the point of No Child Left Behind.

At its essence, the law boils down to a very simple goal: making sure all children across the country can read and do math and science at grade level so they can have the brightest possible future. No child should be denied the same chance as another because of low expectations, systemic neglect, inadequate resources or the failure of a vision about what we can do to move all children forward.

In fact, closing these gaps is the least that we should expect from our wealthy and powerful nation. It is not too much to ask if we are to have any hope of retaining our nation's position of global leadership and our moral credibility.

While it is critical that we remain faithful to the goals of No Child Left Behind, it is equally important that 5 years after its enactment we seek out new and better ideas for how best to achieve these goals.

This hearing is a formal hearing of which will be a bipartisan, comprehensive and inclusive process to improve the No Child Left Behind law. We will hear a broad range of opinions on which provisions of the law are working well and which are not for our schools and for our children.

There will be some disagreement, both today and in the coming months, but by listening to each other and hearing a broad range of views and concerns, Congress will be better able to help address these concerns when we begin re-writing the law later this year.

The discussion about No Child Left Behind has, at times, been heated, but it has also been healthy and much-needed. After all, these are the most sweeping education reforms since the 1960s when the original Elementary and Secondary Education Act was passed as part of the War on Poverty.

I am confident that the discussion that formally begins today will lead us, in the end, to enact legislation that will be responsive to the legitimate concerns that have been raised about the law and its implementation. We have a lot of ground to cover, from how we best promote and measure student progress to how we attract the highest-quality teachers and principals to every school. These and other topics will be subjects of future hearings.

I believe I speak for all of the members of this committee in thanking our witnesses and the coalitions and organizations they represent for their extraordinary time and thought and care that have gone into their recommendations. Your expertise will be enormously helpful today as we move forward with the reauthorization process in the months to come.

Lastly, I want to emphasize that I come to this process with an open mind, and I am eager to hear from, and work together with, both supporters and critics of the law. There is no question that we need to improve the law and properly fund it, but the bottom line is that we cannot afford to return to the status quo that existed before No Child Left Behind.

We must remain dedicated to the principle that every child deserves a first-rate education because we know that every child, if given the opportunity, can learn and succeed. Helping our nation's children and families is what this committee is all about. I look forward to working with all of you as we intensify our efforts on their behalf.

And I would like now to yield to the senior Republican on the Committee on Education and Labor, Mr. McKeon, for his opening statement.

Mr. MCKEON. Thank you, Chairman Miller.

And thank you to our friends from the Senate for joining us this morning.

Today, as we begin the process to reauthorize the No Child Left Behind Act, we have an opportunity to reflect back upon some of the progress we have made over the past 5 years. Here are just a few.

After nearly 4 decades of seeing it widen, the achievement gap in our schools is finally starting to close. The conversation over how best to educate every child it taking place, not just in Congress and the state houses, but at kitchen tables, boardrooms and schools all across America, representing the first time that our nation truly has committed to leaving no child behind.

Federal funding for elementary and secondary schools has reached record levels. Consider this chart on the screen, which shows that federal funding for elementary and secondary programs

has risen by more than a third since NCLB became law. And Title 1 funding for the most needy schools has risen even more sharply.

The Title 1 commitment is particularly noteworthy because, as you can see on this second chart, the Title 1 commitment under NCLB far exceeds funding for the same programs before the law was enacted.

In short, while we are expecting more, we are also providing more resources to schools with the hope that they will deliver.

And, finally, parents have become empowered with more educational options under NCLB than ever before. For example, the law has made it possible for students in underperforming schools to transfer to better performing public schools, including charter schools, or receive additional educational services, such as private tutoring.

Still, challenges remain. Yes, the achievement gap is closing, but it is not closing quickly enough. Yes, there is an ongoing discussion about how best to educate every child, but within that discussion are some voices in Congress and in the educational establishment urging us to back away from holding schools accountable for the education they are or are not providing our children. And, yes, parents do have more options when it comes to giving their child the best possible education, but there still aren't enough options available or utilized.

On this last challenge, in particular, I believe Congress has an obligation to act. At its heart, No Child Left Behind is parental choice law, and, indeed, if we are truly serious about strengthening NCLB, then we must get truly serious about giving parents more tools so their children can thrive under it. And that starts by empowering them with more choice.

That is why today I am introducing the Empowering Parents through Choice Act, legislation that would provide expanded choice for parents whose children are trapped in schools that have consistently underperformed.

Specifically, the bill will authorize opportunity scholarships to students attending schools in need of restructuring under NCLB. In short, if a child's school underperforms for 5 consecutive years, then why any parent should be forced to send him or her there for a 6th year?

Mr. Chairman, I enter the reauthorization process with is single goal: Improving No Child Left Behind so it can continue the positive impact in our schools that we are beginning to see that it has had for the past few years. And I believe that empowering parents with more options, more choices is essential to reaching that goal.

I remain open-minded about all the potential changes to the NCLB that our committee and our colleagues in the Senate may consider over the next several months. For example, I believe we need to look for new and innovative ways to get the best teachers possible into our nation's classrooms, and I believe we need to work together to find the appropriate balance between accountability and flexibility, where appropriate.

At a roundtable in my congressional district several weeks ago, this balance was brought up on several occasions by education stakeholders in attendance, and their comments placed a particular emphasis on English language learners and special education stu-

dents. I look forward to pursuing these and other matters in this hearing, as well as those hearings we will hold over the next several weeks and months.

Indeed, we have a long road ahead of us, but ending in an agreement to strengthen this law and empower more parents will make it all worthwhile.

I thank the witnesses for being here, and I look forward to their testimony.

Chairman MILLER. Thank you very much.

Senator Kennedy?

Senator KENNEDY. Thank you, Mr. Chairman, and I join in welcoming our witnesses to the joint hearing on the reauthorization of the Elementary and Secondary Education Act. Our committees worked closely together on the No Child Left Behind Act, and we look forward to continuing our partnership on this reauthorization.

Our goal in the No Child Left Behind Act was to set high standards, close achievement gaps, strengthen public schools and enable every child to receive a good education. Our priority this year is to make the improvements in the act needed to deliver on the commitment made in 2002. Schools obviously need greater help in achieving the act's goals, and this is no time to retreat.

The act is based on the fundamental principle that every child counts—black or white, native-born or immigrant, disabled or nondisabled. We cannot allow the great hope of Brown v. Board of Education to provide a quality education for all children to go unrealized. We cannot allow rampant inequality to undermine the opportunity and progress in our schools.

The No Child Left Behind Act has already enabled schools around the nation to make unprecedented progress toward those goals. All 50 states now have standards, assessments and systems of accountability to track the achievement of students, based not on the performance of its overall student population, but on its progress in closing achievement gaps and enabling all students to meet specific standards. Schools throughout America now are using data from the act to develop better ways to improve instruction and meet the needs of individual students.

Our Senate committee has heard in recent weeks about some of these changes. At the Achievable Dream Academy in Newport News, Virginia, longer school days and a more rigorous curriculum have enabled African-American students to pass the Virginia state assessment at rates equal or almost equal to white students. A public-private partnership in Boston has improved the recruitment, preparation, training and retention of teachers through an intensive, year-long residency program.

We know, however, that we have only just begun. At this stage of the reauthorization, we look forward to hearing a range of ideas to build on the initial success of the act and deal with its problems.

We need more effective ways to measure student growth toward standards and to recognize schools for that progress. Our goal is to focus on the lowest-performing schools, instead of simply classifying so many as failures.

We can't just label schools. We must help them improve. Over 9,000 low-income schools are confronting their weaknesses as they develop and implement the improvement plans required by law.

The federal role in assisting these schools may be our greatest challenge, and it is a top priority for this reauthorization.

We must improve the quality of assessments, so that they better reflect what is taught in the classroom and are more useful in making decisions about teaching and learning. English language learners and students with disabilities deserve the full benefits of the act, and that requires fair, accurate, reliable ways to measure their performance.

We must strengthen the workforce of teachers and close the gap in teacher distribution in high-poverty and high-minority schools. The best way to close the achievement gap for students is to see that they all have good teachers.

We must give students the support and services they need to come to school ready to learn. We must reengage parents and whole communities in the process, and make them stronger partners in the education of their children.

And we must help states develop high standards that are aligned to rigorous curriculums, so that students who graduate from school are ready to compete in the workforce or do well in college.

Most of all, we must use this reauthorization to give schools the resources they need to implement these essential reforms. We can talk about the increase in resources, but we still have to recognize what the appropriations committees under Republicans and Democrats have recognized, and that is some 3.2 million children are left out and left behind.

If we shortchange our schools, we are shortchanging America. Time and again, I have heard from teachers, principals and administrators desperate for financial help to carry out these reforms, especially in low-performing schools. We know we can do better. All we need is the will to do it.

I look forward to hearing our witnesses' recommendations and ideas on all of these issues.

I thank this extraordinary panel that we have here today, Mr. Chairman, and we here in the Senate thank you very much for your invitation to join with you in this important hearing.

Chairman MILLER. Thank you, Senator Kennedy.

And now I would like to turn to Senator Isakson.

Senator ISAKSON. Well, Chairman Miller and Ranking Member McKeon, it is good to be home again. I spent many a long hour in this committee room back in 2001 working with you on No Child Left Behind, and I am delighted to be here.

Rather than make the opening statement for Senator Enzi, I would like to ask unanimous consent that his written statement be submitted for the record.

Chairman MILLER. So ordered.

[The statement of Senator Enzi follows:]

Prepared Statement of Hon. Michael B. Enzi, Ranking Minority Member, Senate Committee on Health, Education, Labor and Pensions

I would like to thank Senator Kennedy and Congressman Miller for hosting this hearing today. This will allow all of us to start with a common set of recommendations as we begin work on the reauthorization of No Child Left Behind.

As we move forward with this important process I want to make it very clear that I support the four core principles of the No Child Left Behind Act: all students at grade level in reading and math by 2014; annual assessments and disaggregation

of data; qualified teachers in core academic subjects in every classroom; and timely information and options for all parents.

Support of the four core principles does not infer that changes are not needed in the No Child Left Behind Act. Rather, I believe that changes need to be made to strengthen the law to better sustain these core principles and provide additional supports to schools, administrators and teachers to meet the principles.

As we move forward with this process I will be focused on the impact this law has had on rural schools and students. Schools in rural areas face obstacles and issues that are unique and very different from other areas. We need to make sure that what we do does not have unintended negative consequences on schools where there may be only 10 students and one teacher. These schools should not be penalized, when they are working within the law to ensure that all students receive the education they need to be successful. No rural school or student should be left behind.

We heard last week in a roundtable in the HELP Committee that teachers in Wyoming often travel 150 miles or more on a weekend to meet with other teachers to learn from them. Just as teachers don't always have easy access to quality professional development, students don't have opportunities students in larger cities have. Students don't have access to advanced classes or to early college programs—unless they are offered on-line.

I will also focus on the importance of technology and how it can better be used in our classrooms. Every school in Wyoming is wired. This gives students and teachers access to on-line programs and services. However, teachers often need more training and professional development so they know how to incorporate technology and services available via technology in the classroom. They need to know how to match up with teachers across the state, across the country, and across the world to enhance their work in the classroom.

I recently received recommendations from educators in Wyoming that detail the changes they would like to see in No Child Left Behind to make it work better for Wyoming administrators, teachers, students, and parents. These recommendations were compiled from across the state and represent a fair and balanced view of changes needed for Wyoming schools. I look forward to working with educators, parents and administrators in Wyoming to ensure that No Child Left Behind works for their students.

To best serve those students we need to begin focusing on school improvement activities to provide help schools and teachers need when their school is designated as in need of improvement. It is clear there is no silver bullet to fix schools that are falling behind. But, with some assistance and knowledge, schools can be turned around and excel. The Department of Education must improve the way it disseminates positive results and best practices—schools need assistance and information in order to implement effective school improvement strategies and close the student achievement gap.

I look forward to working with each of you and your members as we move forward with the reauthorization of No Child Left Behind. I believe that we all want the same outcome—to make sure that every student is prepared to be successful in the global economy. To accomplish this we will need a bipartisan, bicameral approach to reauthorization.

Senator ISAKSON. And then take the liberal license to the introduce the first panelist, if you don't mind, Chairman Miller.

Chairman MILLER. That is quite all right.

Senator ISAKSON. Governor Roy Barnes and I go back a long way. We were elected to the legislature in Georgia back in 1970s, Roy to the Senate, me to the House. We spent the better part of 2 decades there and then both in 1990 ran for governor and both of us got a lesson in humility from Zell Miller, because he won the Democratic primary and then beat me in the general election.

We returned to the legislature and replaced each other. I took his Senate-numbered seat, and he took my House-numbered seat. And then Roy went on to bigger and better things and became governor of Georgia and did a magnificent job. He and his wife, Marie, are dear friends with my wife, Diane, and I.

And they have three wonderful children and how many grandchildren, Governor? Four grandchildren. I have you beat by two on that so far.

Governor Barnes, during his tenure as governor, was a remarkable education governor in terms of accountability, in terms of class size, in terms of assessment. Roy really pioneered what has laid the groundwork for Georgia's ever-improving educational system.

I commend him for his effort in his recent report with Governor Thompson on NCLB, and I am happy to welcome him today to the House-Senate Education Committee hearing.

Chairman MILLER. Thank you very much.

Governor Barnes, welcome.

And I want to welcome all of the panelists, and thank you again for not just your appearance here this morning but for all of the time you have been putting in over the last several years to look at No Child Left Behind.

As was mentioned, Governor Barnes was the co-chair of the Aspen Institute's Commission on No Child Left Behind and was chair of the National Board of Professional and Teaching Standards and chair of the Institute on Education Leadership.

Wade Henderson is the president and CEO of the Leadership Conference on Civil Rights, one of the nation's strongest civil rights organizations, founded in 1950, to help end discrimination and promote the civil rights movements. Today, nearly 200 national organizations are part of that conference.

Arthur Rothkopf served as the senior vice president of the Chamber of Commerce since 2005 and has focused on education and workforce development issues. Prior to his work with the chamber, Mr. Rothkopf was the president of Lafayette College for 12 years and before that was deputy secretary of the U.S. Department of Transportation. He is a member of Secretary Spellings' Commission on the Future of Higher Education.

Mike Casserly has been the executive director of the Great City Schools since 1992 and has worked as director of Legislation and Research prior to that time and has been a great resource to this committee.

Ed McElroy is the president of the AFT since 2004, and he started his work on education as a social studies and English teacher in Warwick, Rhode Island. Mr. McElroy joined the AFT Executive Council in 1974 and served as secretary treasurer for 12 years.

Reg Weaver is the president of the National Education Association, where he is serving his second term as president. He is a member of the board of directors, the National Board of Professional Teaching Standards and executive board and the National Council on Accreditation and Teaching Education.

Elizabeth Burmaster is the Wisconsin superintendent of Public Construction and current president of the Council of Chief State School Officers. She also chairs the council's Committee on ESEA Reauthorization. Ms. Burmaster has worked for 25 years in a public school, teacher and principal, and she is a board member of the National Center of Learning and Citizenship and a member of the Education Commission of the States and the Board of Advisors of the Pre-K Now.

Welcome to you all of you.

We will proceed in the order in which you were introduced. Governor Barnes, we will begin with you.

When you start, there will be a green light that will go on and then an orange light, which will give you an indication you might want to start wrapping up, and then the red light. But we want to make sure that you get time to cover those things that you think are most important, so we will be a little bit liberal on the lights here.

But, Governor Barnes, thank you again, and welcome.

STATEMENT OF ROY BARNES, ASPEN INSTITUTE COMMISSION ON NO CHILD LEFT BEHIND, FORMER GOVERNOR OF GEORGIA

Mr. BARNES. Thank you, Chairman Miller and Chairman Kennedy. We appreciate, on behalf of Tommy Thompson, my good friend who is not here today but away on other business, we appreciate the opportunity to come and share with you the recommendations of the No Child Left Behind Commission that was sponsored by the Aspen Institute and that we have delivered to you.

I commend the chairman and ranking minority members for their leadership in taking this unusual step of meeting together so that we can make sure that this law receives its full consideration and the importance that it deserves.

This is not about whether children learn Shakespeare more or better, even though that is important. This is about whether we are a competitive nation over the next 50 years and a nation at all over the next 150 years.

Given that charge of making sure that skills and learning are the basis of the new economy that we are all engaged in, whether we want to be or not, the Commission on No Child Left Behind was charged with conducting an analysis of the law and also its implementation.

Our members were bipartisan. Of course, Secretary Thompson and I were governors of different parties but good friends, and still are and will remain, and our commission consisted of all of the spectrum of Democrats and Republicans and all of the spectrum of the different ones that are stakeholders in education.

They spent the last year traveling the nation, hearing testimony from all persons that wanted to talk to us or to give us testimony. We heard 86 witnesses, including state officials and superintendents. We received over 5,000 comments through the e-mail of those who wanted to comment.

I will tell you that, as we travel the nation, there is a great concern among our people that we have to improve education and raise the standards so that the next generation of Americans have a social standing and an income that is at least equal to or greater to the present generation, and that is a matter of great concern among our people.

This initial stage of the commission's work culminated in the release of Beyond No Child Left Behind, which we have filed with the committee and we recommended to your consideration.

Our report contains specific and actual recommendations, about 75, for improving No Child Left Behind, and I hope that you will use them as a blueprint for your reauthorization.

Now, I want to talk about just two of three of these points this morning. The most important thing that happens in the learning of a child comes from an effective teacher, and I am here to tell you that teachers are underpaid, overworked and not given the full consideration that they need. But we also know that teacher quality has to be examined from a new viewpoint.

The commission, therefore, recommends a sea change in No Child Left Behind's teacher quality focus from solely being on credentials to being effective. Instead of being evaluated only by the requirements for entry into the teaching profession, such as certification and licensure, teachers should have the opportunity to demonstrate their effectiveness in the classroom.

We recommend that teachers who produce learning gains and receive a positive principal evaluation or peer review should be recognized as a highly effective teacher. The commission is not recommending that student learning gains be the sole and only determinant of teacher effectiveness; however, we do believe that that is part of the equation.

Now, this grew out of really our consideration of one of the criticisms of No Child Left Behind, and that is that a teacher and a classroom and a school could make more than a year's progress in a year and still be labeled as not meeting AYP, or annual yearly progress. That is unfair. Those teachers that go the extra mile and produce more than a year's learning in a year's time should be given the break.

And, in fact, one of the other recommendations we have is that we go to a growth model. As long as we have a child on grade level within 3 years, that if a child is making more than a year's progress and can make grade level within 3 years, then they should be found to be making AYP. This requires a data system, a student information system, to see where children are at the beginning of the year and where they are at the end of the year.

One of the byproducts of that system, which we say should be a joint federal-state process in building that data system, is that you will be able to determine which teachers are making the greatest gains. And the question is, are we going to ignore that.

Now, there are some that criticize this—I am sorry, I am over, let me just wrap up on this—there are some that criticize this, and I suggest to you that we are not trying to punish any teacher. This should be used as a professional development tool to improve education.

And the last point I will make to you is this: It is time—and we heard this as we went around the nation—that we are more concerned about the children and the system of education rather than the adults. Let's do whatever is necessary to improve education and give our children the hope of America, the hope that is the next generation, rather than saying, we cannot do that because it might offend some of the adults.

Thank you, Mr. Chairman.

[The statement of Mr. Barnes follows:]

Testimony

Committee on Education and Labor, U.S. House of Representatives and the Committee on Health, Education, Labor and Pensions, United States Senate

Bicameral Hearing: ***"Elementary and Secondary Education Act Reauthorization: Improving NCLB to Close the Achievement Gap"***

Governor Roy E. Barnes, Co-Chairman
Commission on No Child Left Behind,
The Aspen Institute

March 13, 2007

Mr. Chairmen and Members of both Committees, on behalf of my friend and Co-Chair Secretary Tommy Thompson and my fellow Commissioners, thank you for the opportunity to testify before you this morning. It is an honor to participate in this bicameral hearing on the reauthorization of the No Child Left Behind Act (NCLB).

I commend the Chairmen and Ranking Minority Members for their leadership on education. By taking the unusual step of holding a bicameral hearing, you send the signal that this law deserves priority attention and the Commission could not agree more. We cannot afford to sit idly by and watch achievement gaps continue to pervade our schools and children graduate unprepared for work and college. We can—and must—do better.

Just over one year ago, the Commission on No Child Left Behind was formed and was charged with conducting an analysis of the law and its implementation and developing recommendations for improvements to the law that would accelerate achievement for all children. Our members include representatives from all levels of K–12 education governance, as well as higher education, civil rights and business leaders.

We took our charge seriously. We researched. We listened. And we learned. Commissioners spent the last year traveling the country to talk with people who live with this law every day. The Commission convened 12 public hearings and roundtables and heard testimony from 86 witnesses including state officials, superintendents, teachers, parents and their advocates, researchers and other experts and policymakers at the national, state and local levels. At each hearing and roundtable, the Commission opened the floor for comments from audience members, thus providing a voice for any interested individual.

The Commission also visited schools and met with principals, teachers and students to hear their views on how NCLB affects them and their suggestions on how the law can be improved. Through our Web site, we received more than 10,000 individual e-mails expressing both concern and support for NCLB's requirements. We have heard from many of you here today, as well as those you represent, about how the law is being implemented, what is working and what needs to be changed.

This initial stage of the Commission's work culminated in the release of our report titled *"Beyond NCLB: Fulfilling the Promise to Our Nation's Children."* That phrase, "fulfilling the promise to our nation's children," is a guiding principle for every member of our Commission and I hope will be a guiding principle of the reauthorization. All children, regardless of their background, their wealth or their address, deserve a quality education and the opportunities for success in life that it brings. Our report contains 75 specific and actionable recommendations for improving NCLB. I would like to submit that full report for the record.

We thank you again, Senator Kennedy, Senator Enzi, Congressman Miller and Congressman McKeon, for joining us at the release of the report and indicating your openness to consider our recommendations. Since the release, our recommendations have continued to gain attention and support. The Commission and its staff will remain intact throughout the reauthorization process and will be a resource to you as you move forward with this important work.

THE RECOMMENDATIONS

From the outset, the Commission agreed to a common core of issues it would address—teacher quality, accountability, assessments, standards and school improvement. The Commission did not address additional important issues such as funding, private school vouchers, afterschool programs or other support services for children. We did not pass judgment on any of these issues. Instead, we focused on what we considered to be the core elements of reform in NCLB. We understand that your Committees will have to deliberate over many more issues than the Commission addressed. But we hope that in these core areas you will give our recommendations your highest consideration.

Our recommendations are not vague goals or broad ideas. They are specific, actionable policy recommendations. They are defined and supported by research, data and the experiences of parents and the people who do the hard work in public education and are affected daily by NCLB. We are confident that taken as a whole our recommendations will close achievement gaps and raise expectations for all so that each child can be prepared to succeed in the future and the nation can remain pre-eminent in the world economy. It is our hope that you will use these recommendations as a blueprint for achieving these goals. Together, we can fulfill the promise of high achievement and success for every student in every school.

For the purposes of this hearing, I would like to highlight some of our key recommendations. I will be happy to answer any questions on these or other recommendations outlined in our report following my testimony.

Effective Teachers for All Students, Effective Principals for All Schools

As all of us know, teacher quality is one of the most important factors in improving student achievement. The difference effective teachers make, especially for disadvantaged children, is well documented in study after study. And we see it in district after district across the country.

In San Jose, California, as in many urban districts, the quality of a child's teacher too often depended on where the child attended school. The more experienced and better-qualified teachers tended to gravitate to schools serving relatively affluent students, while the "downtown" schools serving low-income students tended to be left with the newer teacher with fewer qualifications and less experience. These disparities helped exacerbate an achievement gap between students in the two groups of schools.

Over the past few years, however, the San Jose Unified School District has aggressively tried to level the playing field and raise the quality of its teaching force. The district has recruited teachers extensively, offering competitive salaries and benefits packages, and making early contract offers to candidates before they take jobs in neighboring districts. The district also focused on hiring teachers who would best meet the needs of schools that had fewer highly qualified teachers, especially in hard-to-staff areas like math and science. They changed schedules and allotted time for staff to pursue and collaborate on professional development opportunities on a weekly basis.

Yet it's still not enough. San Jose official have found that looking at credentials alone won't make the difference. Some newer teachers, they found, are better able than their more experienced colleagues to teach students from diverse backgrounds because they have been specifically trained in such methods. They found that many teachers have benefited from high-quality professional learning opportunities and mentoring programs, which often don't show up on their paper qualifications. As Don Iglesias, San Jose's Superintendent, told the Commission, "experience and credentials do not always equate to a teacher that effectively delivers instruction."

Let's listen again to what he said: **"effectively delivers instruction."** That should be the goal of all of our efforts to improve policy around teacher quality. When a teacher is delivering effective instruction, that teacher should be recognized and celebrated. And when a teacher is not delivering effective instruction, that teacher should receive additional support and quality professional development so that he or she is more likely to become effective.

Therefore, the Commission recommends a sea change in NCLB's teacher quality focus from credentials to effectiveness. Instead of being evaluated only by their requirements for entry into the teaching profession such as certification and licensure, teachers should have the opportunity to demonstrate their effectiveness in the classroom. We recommend that teachers who produce learning gains and receive a positive principal evaluation or peer review should be recognized as a "Highly Effective Teacher." The Commission is not recommending that student learning gains be the sole determinant of teacher effectiveness. However, we believe it must be a significant part of the equation.

Teachers who do not initially meet the new "effectiveness" criteria should get extra help. We recommend that professional development for teachers under NCLB be refocused to give struggling teachers up to three years of high-quality professional development geared to their needs However, if after a total of seven years of data that indicate that a teachers' students are not learning, we can no longer continue to shortchange those

children that he or she teaches. Such teachers should not continue to teach our most disadvantaged children.

This new entitlement to additional support for teachers is critical. We have a shortage of qualified teachers, especially in the subjects of math and science and for special education students and English language learners. We must ensure that teachers who do not immediately produce sufficient learning gains receive the support and quality professional development they need to succeed. We can't wait for someone else to fill their space—there is no second or third string of teachers ready to provide instruction, especially in our most disadvantaged and hard-to-staff schools.

None of these teacher effectiveness provisions should apply until states have adequate and accurate data systems to track individual student achievement. Our recommendations give states four years to develop and implement such data systems—and we recommend a federal partnership to provide them with the money to do it.

We also heard from many educators that NCLB should help ensure that our schools are led by effective principals. Principals have tough, demanding jobs, functioning as instructional leaders, crisis managers, partners with parents and students, and front-line managers of their work force—their teachers.

NCLB, in its present form, does little to address the effectiveness of principals. We recommend a new focus on principal effectiveness in the law. We would ask all principals, but require it of principals of Title I schools, to earn the designation of "Highly Effective Principal" (HEP). As with our focus on teacher effectiveness, we ask highly effective principals to ensure their schools produce learning gains that are comparable to similar high-achieving schools.

We recognize that this new standard for principals is a new direction in NCLB. However, it is critical that we ask principals to meet high standards, just as we are asking our students and teachers to meet high standards.

Closing Achievement Gaps Through Improved Accountability

Nationwide, NCLB has brought a stronger focus on accountability for results and a deeper commitment to assuring that all children—regardless of race or economic status—achieve at high levels. In our hearings, roundtables and meetings with administrators, principals and teachers, the Commission consistently heard strong support for holding schools accountable for the performance of all of their students.

However, many of those that we heard from characterized NCLB's current Adequate Yearly Progress (AYP) requirement as a "blunt instrument" that needed to be refined. The Commission heard testimony from the Principal of Kosciuszko Middle School in Milwaukee, Wisconsin, that underscores this need. Only 2 percent of Kosciuszko students were proficient on state tests in the early 2000s. But after NCLB was enacted, the school adopted a comprehensive reform program. In 2005, 42 percent of students were proficient or above in reading and 43 percent were proficient or above in

mathematics. That school, like other schools that are improving rapidly but are still below proficiency, are rated the same as those that did not improve at all.

There is a need for more precise information on student performance that would allow states and districts to give credit to those schools that make significant progress with the students who are the farthest behind.

The Commission recommends improving the accuracy and fairness of AYP calculations by allowing states to include achievement growth in such calculations. However, small progress is not enough. These calculations should enable schools to receive credit for students who are on track to becoming proficient within three years, based on the growth trajectory of their test scores.

The Commission also heard strong support for NCLB's requirement to report student performance data separated by subgroups, particularly from representatives of constituencies such as disadvantaged students, children with disabilities and English language learners. Accurate, accessible reporting of data is critical if we are to remain focused on closing unacceptable achievement gaps by improving the achievement of all children.

However, we are concerned about the way some states have determined which subgroups are included in their accountability systems. Many of you are aware of the Associated Press (AP) stories documenting the large numbers of children that were not counted in state accountability systems because they belonged to a group that was deemed too small to be counted. The AP estimated that more than 1.9 million children were made virtually invisible because of these accountability abuses. The Commission finds this alarming and unacceptable.

Thus, the Commission recommends tightening requirements for states in determining their subgroup sizes by limiting them to a maximum of 20 students. This will ensure that we have a more accurate picture of which schools are succeeding and which need help and interventions.

In addition, we recommend improving the rules for including students with disabilities in AYP calculations. Specifically, we recommend maintaining the U.S. Department of Education's (DOE) policy allowing up to 1 percent of students with disabilities—those with the most severe cognitive disabilities—to be assessed against alternate achievement standards using alternate assessments. However, we recommend that the U.S. DOE's proposed policy of allowing an additional 2 percent of students with disabilities to be assessed against "modified achievement standards" be limited to no more than 1 percent. The Commission believes that extreme caution should be used when exempting students and that there is not sufficient data to justify excluding an additional 2 percent of students with disabilities.

The Commission is also concerned about whether we, as a country, are doing enough to ensure that our children are being prepared to succeed in an increasingly competitive global economy. NCLB currently requires states to start testing in science during the next

school year. However, the law does not require that the results of those tests be used for accountability purposes. The Commission believes this is a mistake. Strong performance in science is critical for a student's future success as well as for maintaining our country's competitiveness in the global economy. The Commission recommends that states count results from science assessments for accountability purposes.

The Commission also believes that we must do more to ensure continuous achievement of high school students. Therefore, we recommend requiring states to create and implement a 12th grade assessment. The new 12th grade assessment, along with current 10th grade tests, would create a useful measure of a school's effectiveness in preparing students for college and work. This assessment would also make possible the inclusion of growth calculations in AYP for high schools.

The Commission also believes schools and districts should be held accountable for improving graduation rates of all students. Specifically, we recommend that all states be required to implement the National Governors Association Compact on graduation rates, which has been approved by the governors of all 50 states.

Effective School Improvement and Quality Student Options

In addition to holding schools accountable for results, NCLB presently contains a series of interventions for consistently struggling schools. These include providing options for students in schools that miss their state's AYP goals, as well as an escalating series of interventions and eventual sanctions for turning around chronically struggling schools.

Unfortunately, too few students have been able to use options such as public school choice and free tutoring. Nationally, less than 1 percent of eligible children have taken advantage of their public school choice option and less than 17 percent of eligible children have taken advantage of the free tutoring option. Public school choice and free tutoring are important components of a comprehensive plan to address the needs of all students. By denying children access to these options, we deny children avenues to success such as a new school environment or additional help in reading or math. We can do better.

The Commission recommends requiring schools that make AYP to reserve a number equivalent to 10 percent of their total seats for students eligible for public school transfers under NCLB. We also recommend that districts conduct an annual independent audit of space to determine whether they are truly making slots available for eligible transfer students. This audit would help ensure that school districts are maximizing public school choice opportunities while guarding against overcrowding schools that are already at capacity.

The Commission also recommends making it easier for students to use supplemental educational services—free tutoring—by requiring districts to provide multiple enrollment periods for eligible students throughout the year and to offer space in school facilities for private providers of tutoring services.

We also recommend simplifying the process for parents seeking to learn about choice and tutoring options available for their children by requiring districts to appoint and publicize a person or office as a point of contact for information.

However, the Commission strongly believes that we must also ensure that options, such as tutoring, are effective at helping students improve performance. States have not adequately focused on determining whether the providers they approve are actually helping children learn. For supplemental educational services to work effectively, parents need to have reliable information on which providers are truly improving student performance. Too often, for a variety of reasons, this information has not been available.

To better measure the effectiveness of these programs in improving student achievement, we recommend conducting a national evaluation of the overall effectiveness of the supplemental educational services program and requiring states to evaluate which providers are actually producing student learning gains. If a provider—whether a private provider or a school district—is not producing sufficient learning gains, that provider must no longer be eligible to give supplemental services. Parents need good information about provider performance to guide their decisions on what works best for their children.

So far, experience with the implementation of NCLB has shown that we have been much more successful at identifying struggling schools than we have been at actually turning them around.

We must do better at steering schools that reach the improvement, corrective action and restructuring phases to undertake more significant and effective interventions. Quick fixes and the path of least resistance won't cut it. To turn themselves around, consistently struggling schools need to undertake proven comprehensive reforms designed to improve instruction and learning. The Commission recommends that schools in corrective action be required to select a comprehensive set of interventions designed to have a systemwide impact, rather than the one option from the list that NCLB currently requires.

Likewise, schools that reach the final stage of NCLB's school improvement timeline—the restructuring phase—should truly focus on implementing more significant reforms such as making major changes in staffing and governance, converting to a charter school, contracting with a private management organization or allowing state takeover of the school. To ensure that districts have adequate capacity to undertake these significant reforms, the Commission recommends allowing districts to focus their restructuring efforts on the lowest-performing 10 percent of their eligible schools.

The Commission also recommends boosting research and development on school improvement by doubling the research budget for elementary and secondary education at the U.S. DOE. We believe that increased funds should be aimed at research that assists schools in meeting the goals of NCLB. We must arm our teachers and principals with better tools and knowledge to increase student achievement, especially in struggling schools.

High Expectations for All Children

Finally, it would be a cruel hoax if students, teachers and principals did everything that NCLB asked of them and students still found themselves ill prepared for success after high school. Based on our analysis of state test results and student performance on the National Assessment of Educational Progress (NAEP), the disheartening performance of American students in international comparisons, and ample testimony at our hearings, it is clear that we simply are not setting expectations for our children at a level that ensures they are ready for college and the work force.

For example, in 2006 in my home state of Georgia, more than 80 percent of students in grades 1 through 8 met or exceeded state standards in reading, and nearly 80 percent met or exceeded state standards in mathematics. However, NAEP results tell a different story. Only 26 percent of Georgia's 4th graders performed at the proficient level or above on NAEP's reading test, while 42 percent scored below the basic level. In mathematics, 30 percent of Georgia's 4th graders performed at the proficient level or above, while 24 percent performed below the basic level. Georgia is far from unique in this regard. The story is similar in most other states, and I have included a chart at the end of my written testimony demonstrating this story.

We presently have more than 50 different state standards, with 50 different sets of expectations for what our children should learn, and for how much of this knowledge they must demonstrate to be considered proficient.

Holding lower expectations for some students is unacceptable. All students should be held to similar high standards. To accomplish this goal, we recommend that states analyze their standards and assessments to ensure they are focused on what their children need to be ready for college and the workplace. We recommend that states collaborate with their higher education and business communities to ensure that their goals are indeed tied to real-world expectations and that they complete the task no later than one year after passage of a reauthorized NCLB. Colleges and businesses are acutely aware of what is necessary to succeed and should play a role in making sure that schools expect no less. While some states, such as those who are part of Achieve, (an organization dedicated to improving the rigor and clarity of the process of standard-setting and testing), have begun this process, we need all of our states to refocus their expectations on what children need to know in order be successful after high school. We recommend that the U.S. Secretary of Education convene a national summit following this process to report to the American people on whether state expectations for their students are sufficient to prepare children for opportunity-filled futures.

However, we do not believe that this one step is enough. We also recommend the creation of model national standards and assessments. These standards and assessments would be developed by a blue ribbon panel using the widely respected existing NAEP frameworks as a starting point.

Once model national standards and assessments are developed, we recommend giving states three options:

1) Adopt the national model standards and assessments as their own for NCLB accountability purposes

2) Build their own assessment instrument based on the national model standards

3) Maintain their existing standards and assessments

The U.S. Secretary of Education would issue an annual report to the public comparing the relative rigor and quality of the standards and assessments in states that choose options 2 and 3 to the national model using a common scale. This report and the use of the common scale would be intended to allow accurate comparisons among the states, so we can clearly see differences in the level of expectations among states and in comparison to the national model.

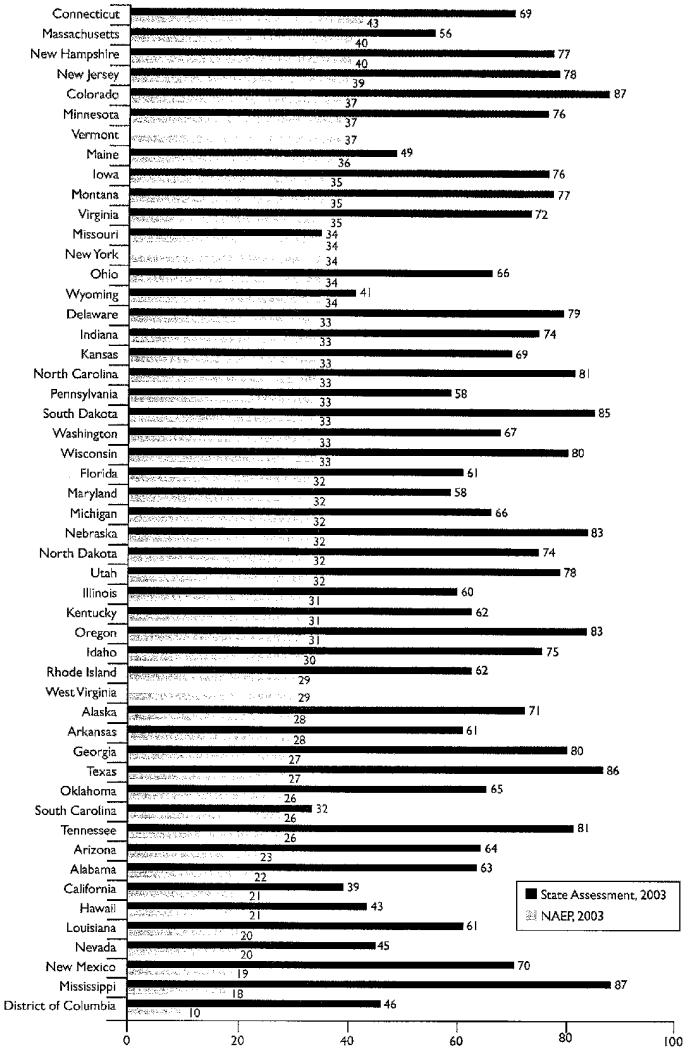
Conclusion

These are just a few of the key areas that the Commission believes require significant improvement in a reauthorized NCLB. We must ensure that all children are taught by teachers who can demonstrate their effectiveness in the classroom. We must ensure that our accountability systems are accurate and fair. We must ensure that our children are sufficiently challenged in all subjects that are important to their future success. And we must make sure that high-quality options such as public school choice and tutoring are available and easily accessible for all eligible children. Finally, we must become just as effective at improving performance in struggling schools as we are at identifying them.

While the goals of NCLB are sound, our work has shown that the statute and its implementation are not perfect, and in some instances need significant improvement. This upcoming reauthorization must keep what is working and make the changes that are necessary if we are to realize these goals. These recommendations I have highlighted and the others outlined in our report create a blueprint that we hope Congress and the Administration will use to chart the course for the next reauthorization of this important law. We can and should reauthorize NCLB this year and the Commission stands ready to help Congress in its work.

Thank you and I look forward to addressing your questions.

Percentage of 4th Grade Students Achieving at or Above the "Proficient" Level on NAEP and State Assessments in Reading, 2003



Source: Consolidated State Performance Reports and National Center for Education Statistics, Main NAEP. Stullich et al. (2006). *National Assessment of Title I: Interim Report Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education.

Chairman MILLER. Thank you, Governor Barnes.

Mr. Henderson?

STATEMENT OF WADE HENDERSON, LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Mr. HENDERSON. Good morning, and thank you, Mr. Chairman, both to you and Chairman Kennedy, to Ranking Member McKeon

and Enzi and to all members of both committees for the opportunity to participate in this important and historic hearing.

I am Wade Henderson, president and CEO of the Leadership Conference on Civil Rights, the nation's oldest, largest and most diverse civil and human rights coalition, with nearly 200 member organizations working to build an America as good as its ideals.

The Leadership Conference is issuing a formal letter to the committees today regarding the reauthorization of the No Child Left Behind Act that includes both our core principles for education reform and policy recommendations for changes to the current law. I would ask that it be included along with the written version of my testimony in the hearing record.

I would like to use the remainder of my time before the committees today, however, to make a larger point regarding the future of No Child Left Behind.

Now, for almost a century now, the civil rights community has recognized that the twin pillars of American democracy have been the right to vote and securing equal educational opportunity for all Americans. In that regard, No Child Left Behind may be one of the most important civil rights laws that this Congress will address.

We urge you to be guided by the following principles as you consider reauthorization.

First, federal education policy must be designed to raise academic standards.

Second, those high standards must apply equally to all students, of all backgrounds.

Third, schools should be held accountable for meeting academic standards.

Fourth, there should be high-quality assessments that are linked to academic standards.

And, finally, all children can learn, and federal and state governments must ensure that schools, particularly those in neighborhoods of concentrated poverty, have the resources they need to give all children the chance to meet those standards.

Now, by any standard, as you noted, Mr. Chairman, in your opening remarks, Brown v. the Board of Education was the most important Supreme Court case of the 20th century. In addition to ending state-sponsored segregation, in Brown, the court promised an equal education to all American children and said of education, "It is the very foundation of good citizenship."

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Now, access to a high-quality public education is still a fundamental right upon which all others depend, and yet 50 years later, the promise of Brown remains unfulfilled. Inequality is rampant by almost every measure. No Child Left Behind test scores paint a bleak picture of the achievement gap, with virtually every state's white students passing state exams at a significantly higher rate than low-income, minority and language-minority students.

According to an Urban Institute study, the national graduation rate for white students is 75 percent—which is not high enough,

I might add—but it is only 50 percent for African-Americans, 53 percent for Latinos, and 51 percent for Native Americans.

But the real crime here is the opportunity gap. For example, minority students are more than twice as likely to have inexperienced teachers. High-poverty schools have a 50 percent higher rate of low-scoring teachers.

Low-income, minority and language-minority students attend schools with far less funding; they attend larger classes that are more likely to be taught by out-of-subject teachers and in worse facilities, and have fewer and older books, as well as less access to computers, high-speed Internet, and modern science labs.

Now, it was John F. Kennedy, who in 1961 challenged Congress and the nation to reach the moon within 10 years. We did it in about 8.5. What we need is the same kind of national commitment to public education that we gave to the space race.

There are more than 100 public schools that fail to make adequate yearly progress within a couple of miles of this Capitol dome. We can accept no excuse for not getting to every single one of them too, and every one like them, in every city in America.

Declining literacy levels, changing demographics and workplace restructuring are colliding to greatly expand inequities in wealth, opportunity and drive Americans further apart. Tens of millions of low-skilled adults will be competing for jobs, not only with one another, but also with workers with equal or better skills in low-wage foreign economies.

Over the next few decades, as older, better-educated workers retire, they will be replaced by younger, less-educated workers with fewer skills. If these challenges are not adequately addressed, these forces will limit our nation's economic potential and threaten our democratic ideals.

Now, the scope of this problem, Mr. Chairman, as I wrap up, the scope of this problem was recently outlined in a report issued by the Educational Testing Service last month entitled, "America's Perfect Storm: Three Forces Changing Our Nation's Future." And it detailed the confluence of three trends: worsening educational inequities, demographic changes and the continuing evolution of the economy. And they documented the devastating impact that this convergence would have by 2030 if we do not dramatically address the problem.

Obviously, money is necessary. I won't go into the details of how we hope, in addition to a reauthorization, that adequate appropriations are offered to No Child Left Behind to target those districts that really have the greatest economic need.

And we can't continue to provide the least education to the most rapidly growing segments of our society at exactly the moment when the economy will need them most.

And what we would conclude with is the following: The Leadership Conference believes that access to a high-quality public education is a civil right for all children. And in the tradition of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and 2006, I might add, when this Congress strengthened the Voting Rights Act, the No Child Left Behind Act can play an important role in making that right a reality.

We look forward to working with this Congress and with these committees as you begin tackling these important issues.

And thank you for the opportunity.

[The statement of Mr. Henderson follows:]

Prepared Statement of Wade J. Henderson, President and CEO, Leadership Conference on Civil Rights

Good morning, I am Wade Henderson, President and CEO of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, with nearly 200 member organizations working to build an America as good as its ideals.

I would like to thank Chairman Kennedy and Chairman Miller, Ranking Members Enzi and McKeon, and all of the Members of both the House Education and Workforce Committee and the Senate Health, Education, Labor & Pensions Committee for the opportunity to testify at this important joint hearing today.

The Leadership Conference is issuing a formal letter to the committees today regarding the reauthorization of the No Child Left Behind Act (NCLB) that includes both our core principles for education reform and policy recommendations for changes to the current law. I would ask that it be included along with the written version of my testimony in the hearing record.

I would like to use the remainder of my time before the committee today, however, to make a larger point regarding the future of NCLB. For almost a century now, the civil rights community has recognized that the twin pillars of American democracy have been the right to vote and securing equal educational opportunity for all Americans. In that regard, NCLB may be one of the most important civil rights laws that this Congress will address. For example, at its most basic level, its Adequate Yearly Progress requirement gives parents, students, teachers, and school administrators information on the progress of their schools, and ultimately seeks to break the cycle of failure that has continued to deny some children access to quality education.

We urge you to be guided by the following principles as you consider reauthorization. First, federal policy must be designed to raise academic standards. Second, those high standards must apply equally to all students, of all backgrounds. Third, schools should be held accountable for meeting academic standards. Fourth, there should be high quality assessments that are linked to academic standards. Finally, federal and state governments must ensure that schools, particularly those in neighborhoods of concentrated poverty, have the resources they need to give all children the chance to meet those standards.

The Brown Standard

By any standard, Brown v. Board of Education was the most important Supreme Court case of the 20th century. In Brown, the Court promised an equal education to all American children, and said of education:

It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. 347 U.S. 483 (1954)

Access to a high quality public education is still a fundamental right upon which all others depend; and yet 50 years later, the promise of Brown remains unfulfilled. Inequality is rampant by almost every measure. NCLB's test scores paint a bleak picture of the achievement gap, with virtually every state's white students passing state exams at a significantly higher rate than low income and minority students. According to an Urban Institute study, the national graduation rate for white students is 75 percent—which is not high enough—but it is only 50 percent for African-Americans, 53 percent for Latinos, and 51 percent for Native Americans.

But the real crime is the opportunity gap. According to the National Center for Education Statistics, minority students are more than twice as likely to have inexperienced teachers. Research has shown that high poverty schools have a 50 percent higher rate of low scoring teachers. Low income and minority students attend schools with far less funding; they attend larger classes that are more likely to be taught by out-of-subject teachers and in worse facilities; and have fewer and older books, as well as less access to computers, high-speed internet, and modern science labs.

Education Reform: The New National Challenge

It was President John F. Kennedy, who in 1961 challenged Congress and the nation to reach the moon within 10 years. We did it in about eight and a half.

We have only one moon, and at the closest point in its orbit, it is still more than 200,000 miles from the Capitol dome. But we got there. There are more than 100 public schools within a couple of miles of the Capitol dome that failed to meet their proficiency targets under NCLB. We can accept no excuse for not getting to every single one of them, too—and every one like them in every city in America.

What we need is the same kind of national commitment to education that we gave to the space race. President Kennedy did not call the nation to action just to inspire us with a lofty goal. He was motivated by a real world challenge posed by a foreign policy threat. While we don't have Sputnik and the Soviet Union to galvanize us into action this time, we do have a pending social and economic crisis.

Declining literacy levels, changing demographics, and workplace restructuring are colliding to greatly expand inequities in wealth and opportunity and drive Americans further apart. Tens of millions of low-skilled adults will be competing for jobs, not only with one another, but also with workers with equal or better skills in low wage foreign economies. Over the next few decades, as older, better educated workers retire, they will be replaced by younger, less educated workers with fewer skills. If these challenges are not adequately addressed, these forces will limit our nation's economic potential and threaten our democratic ideals.

The scope of the problem is staggering and the consequences are only going to get worse. In a report issued last month called America's Perfect Storm: Three Forces Changing Our Nation's Future, the Educational Testing Service (ETS) detailed the confluence of the three trends—worsening educational inequities, demographic changes, and the continuing evolution of the economy—and the devastating impact they will have by 2030 if we do not dramatically change course.

Congress has found that virtually all children can learn at high levels. Everyone involved with education—starting this morning with the Members of Congress and the advocates at this table and in the seats; as well as teachers, principals, local school boards, state boards of education, local and state elected officials, and the President—must be held accountable for students reaching their full educational potential. The Leadership Conference will be organizing its coalition members and grassroots partners and employing its communications network, including *www.civilrights.org* and *www.realizethedream.org,* to continue beating the drum for education reform.

Moreover, it is going to take federal, state, and local cooperation. It is also going to take a lot of money—money measured by the size of the job to be done, not by how much we've spent in the past.

Almost everyone agrees that substantial additional resources are needed and that the shortfall has grown significantly since NCLB was passed—some say by as much as $70 billion over the last six years. During the same six-year period, congressional budgets and appropriations have run up an enormous national debt that our children are going to have to pay off eventually, so those children have a pretty good claim that we should be investing a lot more in their education.

While the federal share of total education spending is only a down payment, federal leadership is crucial. This Congress has the opportunity to use the reauthorization of No Child Left Behind to boldly attack the entrenched inequities and failures within our educational system and try to head off ETS's perfect storm.

We cannot continue to provide the least education to the most rapidly growing segments of society at exactly the moment when the economy will need them the most. When 21st Century jobs require a science education, for how long will we continue to be the land of opportunity if we tolerate an opportunity gap where racial and economic disparities combine to make white students more than four times as likely as African-American and Latino students to have access to Advanced Placement science classes?

LCCR believes that access to a high quality public education is a civil right for all children and that in the tradition of the Civil Rights Act 1964 and the Voting Rights Acts of both 1965 and 2006, the No Child Left Behind Act can play an important role in making that right a reality. We look forward to working with Congress to strengthen the law and its implementation.

Thank you very much.

Chairman MILLER. Thank you very much.

Mr. Rothkopf?

STATEMENT OF ARTHUR J. ROTHKOPF, BUSINESS COALITION FOR STUDENT ACHIEVEMENT

Mr. ROTHKOPF. Thank you, Mr. Chairman.

Chairman Kennedy, Chairman Miller and members, I am pleased and honored to be here today, and I thank you for your invitation.

I am Arthur Rothkopf, and I am senior vice president and counselor to the president of the U.S. Chamber of Commerce. I am also here today on behalf of the Business Coalition for Student Achievement, which is spearheaded by the chamber and by the business roundtable. This coalition represents over 60 business organizations and companies from sectors across our economy.

Together, the business community is committed to achieving the goals of No Child Left Behind. We urge the Congress to act swiftly this year to reauthorize the law and strengthen its core principle of accountability to ensure that all high school students graduate academically prepared for citizenship, for college and for the 21st-century workforce.

A recent survey that we conducted of our affiliated chambers around the country asked them what the most important issue was to these chambers, and the answer came back, almost uniformly, the number-one issue is education and workforce.

The business community is deeply concerned about what is happening, or not happening, in our school systems. That is because it is business that hires the graduates and must rely on the end product of these schools.

And I should say that there are good jobs going begging in this country because the candidates do not have the knowledge and the skills to fill those jobs, and the situation will only get worse when 77 million baby boomers start retiring.

Two weeks ago, the chamber issued a report providing further confirmation of the need of the business community to be deeply concerned about the state of education in this nation. This report was supplied to all members of Congress and to members of these committees.

The research on this report was carried out for us at the chamber by the Center for American Progress, headed by John Podesta, and by Rick Hess of the American Enterprise Institute.

The study found that K through 12 public education is failing our students. Even in Massachusetts, which has the highest percentage of 4th and 8th graders scoring at or above proficiency on the NAEP reading and math test, less than half of all students met this target.

Overall, only one-third of 4th and 8th graders in the country are proficient in reading and math, and the data is even more disheartening, as was indicated, for academic achievement of low-income and minority students.

Compounding the problem is that each year we have 1.2 million youngsters dropping out of high school.

In light of these statistics, you could ask the question, is No Child Left Behind paying off? We would say in the business community, yes. Elementary and middle school skill achievement has improved. The latest nation's report card coming out of the Depart-

ment of Education shows improvements in student achievement in reading and math and some lessening of the achievement gap.

But we have a long way to go. Last month, NAEP released its report on high schools, and it appears as though only 23 percent of our 12th graders are proficient in mathematics and only 35 percent of high school graduates are proficient in reading and math.

As your committees move forward, the coalition urges you to build on the successes achieved so far by No Child Left Behind. And we have six areas for you to focus on. Let me just touch on them briefly.

First, all of the analyses of current state standards and tests conclude that they are not aligned with the expectations of college and the workforce. The law needs to include incentives for states to raise their standards.

Second, there is a focus on No Child Left Behind on reading, which is entirely appropriate, but we also believe that in addition to reading, we need to add an emphasis on science, technology, engineering and math to keep America competitive.

Third, the most difficult thing that business leaders have encountered is the absence of good, reliable data. No Child Left Behind made a great start. The quality of data has improved over the last 5 years, but data systems in many states and districts are antiquated and need to be overhauled.

Fourth, teacher and principal effectiveness. We believe, as the NCLB Commission does, that effectiveness ought to be the test, not highly qualified. We need highly effective teachers and principals.

We, the chamber, the coalition and actually the Center for American Progress, believe that starting teacher salaries should be raised and that increases should be based on growth in student achievement, among other factors.

We also believe there needs to be a fair and efficient process to remove ineffective teachers and principals.

I won't go into the final two items, but they include strengthening and refining accountability and investing in school improvement and encouraging innovation. The details of that appear in my written statement, which I ask to be made a part of the record.

Let me conclude by saying, for too long the business community has been willing to leave education to others, standing aside and making offers of money, support and good will. Not anymore. This is a matter of critical national urgency. What is at stake is nothing less than the continued success and competitiveness of the American economy and the continued viability of the American dream for American workers.

This concludes my oral remarks. I look forward to your questions. And, again, thank you for inviting me to appear.

[The statement of Mr. Rothkopf follows:]

Prepared Statement of Arthur J. Rothkopf, Business Coalition for Student Achievement

Chairman Kennedy and Chairman Miller: I am pleased and honored to be here today. Thank you for your kind invitation.

By way of introduction, I am Arthur Rothkopf and I serve as Senior Vice-President and Counselor to the President of the U.S. Chamber of Commerce.

I am also testifying today on behalf of the Business Coalition for Student Achievement (BCSA). BCSA is a coalition spearheaded by the U.S. Chamber of Commerce and the Business Roundtable. The coalition represents over sixty business leaders

from sectors across our economy. BCSA is led by Co-Chairs Craig Barrett, Chairman of the Board of Intel; Arthur F. Ryan, Chairman and Chief Executive Officer of Prudential Financial, Inc; and Edward B. Rust Jr., Chairman and CEO, State Farm Insurance Companies.

Together, we are committed to achieving the goals of No Child Left Behind (NCLB). We strongly urge Congress to act swiftly this year to reauthorize this law and strengthen its core principle of accountability to ensure that all high school students graduate academically prepared for college, citizenship and the 21st century workplace.

The United States in the 21st century faces unprecedented economic and social challenges: global competition, the retirement of 77 million baby boomers, and the fact that 90% of the fastest-growing jobs will require some postsecondary education. It is for these very reasons that a recent survey of our affiliated chambers from around the country rated workforce and education reform as their number one priority. The business community is very much in tune with what is happening—or not happening—in our school systems. That's because it is business that hires the graduates and must rely on the end product of those schools. No one is more in touch with both the successes and the failures.

Last week the U.S. Chamber issued a report providing further confirmation of the need for the business community to be deeply concerned about the state of education in this nation. The research for this report entitled, "Leaders and Laggards: A State-by-State Report Card on Educational Effectiveness," was carried out on behalf of the Chamber by the Center for American Progress and Frederick M. Hess of the American Enterprise Institute. The report analyzed existing state-by-state data related to academic as well as key business metrics such as innovation, flexibility, and fiscal prudence. Building upon the research in Leaders and Laggards, the U.S. Chamber and the Center for American Progress released A Joint Platform for Education Reform, which echoes the U.S. Chamber's proposals for a stronger education system. These proposals include: better teaching, more innovation, better data, and better management.

The study found that K-12 public education has been an abysmal failure. This poor performance threatens the future of our children and America's competitive position in the world. This is made clear when looking at the academic achievement of fourth and eighth grade students based upon the National Assessment of Educational Progress (NAEP).

Even in Massachusetts, which has the highest percentage of 4th and 8th graders scoring at or above the proficient level on NAEP reading and math—less than half of all students meet this target. Overall, only about one-third of all 4th and 8th graders in the country are proficient in reading and math.

The data is even more disheartening for the academic achievement of low-income and minority students. In our report, we graded states on a curve from A to F. Of the nine states which were awarded an "A"—not one had an average percentage of 4th and 8th grade African Americans above 22 percent in math and reading. The results for Hispanic students were nearly identical.

Our report highlighted what has also been a fixture of our current education system—an unacceptable level of student dropouts. Only about two-thirds of all 9th graders graduate from high school within four years and only about half of minority students.

Even among those students who do manage to graduate and move on to college, at least 40% have to take at least one remedial course when they get there, indicating that high schools are not adequately preparing students for the rigor of a postsecondary education curriculum. Businesses report the same dismal results for young people that they hire.

This is directly related to another significant finding of our report—the lack of rigor in state academic standards. States were graded on the quality, rigor, and specificity of their academic standards. Only four states were given an A for their standards. Furthermore, only eight states have aligned their academic standards and graduation requirements with college and workplace expectations.

In light of these statistics, "is NCLB really paying off?" The answer is "yes."

As abysmal as this data is, it represents improvement for elementary and middle school students from where this nation was prior to enactment of NCLB. Specifically, according to the US Department of Education, the July 2005 long-term Nation's Report Card (NAEP) results showed national student achievement in reading and math at all-time highs and the achievement gap closing.

• For America's nine-year-olds in reading, more progress was made in five years than in the previous 28 combined.

• America's nine-year-olds posted the best scores in reading (since 1971) and math (since 1973) in the history of the report. America's 13-year-olds earned the highest math scores the test ever recorded.

• 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.

The 2005 Nation's Report Card on state-level data included similar glimmers of hope. For example, in the State of Georgia, in 2004-05, more than 70 percent of the state's limited English proficient (LEP) students scored proficient or better in reading, up 23 percent from 2002. Among third-graders with disabilities in Georgia, 81 percent scored proficient or better in reading, up 26 percentage points.

But to be clear, our nation has a long way to go, particularly for our high school students—an area which receives little attention under NCLB. The 12th grade NAEP results released last month demonstrates just how far we must travel.

The report found that——

• Only 23% of 12th graders are proficient in mathematics.

• 27% of 12th-grade students lack even basic high school reading skills, up from 20 percent in 1992.

• Only 35% of students are proficient in reading, a drop from 40 percent in 1992.

What is the solution to address these issues? Some have suggested it's time to turn back the clock and go back to a time before NCLB when schools, districts and states were not held accountable for reducing education achievement gaps.

NCLB opponents point to a vast array of rationalizations for their claims.

• Some groups have argued that NCLB takes away local control. They fail to highlight that under NCLB each state determines its own system of accountability, its own standards and assessments, as well as what it means for students in the state to be "proficient." Similarly, they fail to point out that each state determines how schools in the state will use the federal dollars to improve education—indeed a vast majority of funds are used solely to hire teachers. Only when schools are identified for improvement do they begin to have increased restrictions on the expenditure of a portion of their federal funding.

• Some groups claim that NCLB is overly punitive to school systems in which students are not reaching achievement expectations. Let's not lose sight of the focus of this Act. NCLB's focus is on helping students succeed—it is not about supporting a bureaucracy at the expense of helping students learn. NCLB requires states and districts to support underperforming schools—that is, schools where students have been struggling oftentimes for generations—by requiring schools to develop plans on how to help struggling students and by providing tutoring and public school choice options to students in struggling schools.

• Some groups demand that NCLB accountability requirements be suspended in anticipation of "full funding" To focus only on funding misses the point. The U.S. has the highest spending per student of any nation in the world. The reason NCLB is working to increase student achievement is that the Act focuses on transparency, accountability and results.

• The question should be not how much more funding we need to improve student achievement, but how well is the money currently available being currently spent. In the Chamber's Report Card, our data showed that money alone does not guarantee academic success, but rather how wisely those dollars are spent.

There has been a disconcerting lack of attention to ensuring that education dollars are delivering real value. Some states are spending less money and achieving real results. Despite steps to increase per pupil spending, decrease student-teacher ratios, and recruit a better-prepared teaching force, student test scores have remained stubbornly flat over the past 35 years. By international standards, the U.S. spends far more than other nations on education—and has smaller class sizes—yet receives far less value in terms of educational outcomes.

The bottom line is that these and other excuses should be fully examined. The burden of any of the NCLB requirements must be weighed against the alternative—that is, turning our back on the millions of students who are benefiting from its provisions.

The Business Coalition for Student Achievement remains committed to the tenets of the No Child Left Behind Act. As your Committees move forward with reauthorization, the Coalition strongly urges you to build upon the successes of NCLB, particularly in the following areas:

1. FOCUS ON COLLEGE AND WORKPLACE READINESS.—We know that educators are finding it difficult to help students reach today's standards. However, all of the analyses of current State standards and tests conclude that they are not aligned with the expectations of college and the workplace. The law needs to include incentives for States to raise their standards and avoid lowering them.

2. EMPHASIZE SCIENCE, TECHNOLOGY, ENGINEERING AND MATH.—NCLB includes a major focus on reading, which is appropriate. As we move forward, the law needs to continue to make early reading a priority while also adding an emphasis on science, technology, engineering and math.

3. ENHANCE DATA-DRIVEN DECISION MAKING.—Perhaps the most difficult thing that business leaders have encountered in our efforts to help improve education has been the absence of good, reliable data. It's impossible to imagine running a company without the use of valid data to inform decisions. The quality of the data has improved over the past five years, but the data systems in many States and districts are antiquated and need to be overhauled.

4. INCREASE TEACHER AND PRINCIPAL EFFECTIVENESS.—One of the areas where the current law did not accomplish its objectives has been in making sure that all students are taught by highly qualified teachers. The Coalition believes that the law needs to expand its focus to effectiveness rather than just compliance to ensure that our teachers are not only "highly qualified" but also "highly effective."

5. STRENGTHEN AND REFINE ACCOUNTABILITY.—The law should provide guidance on ways that States can differentiate among districts and schools that are close to or far from making AYP, and ensure that resources for improvement focus on those with the highest concentrations of underperforming students. We also support provisions that would permit States to use rigorous measures of year-to-year growth in student academic achievement and other methods verified by the Secretary that are consistent with the goal of all students reaching proficiency in reading, math and science.

6. INVEST IN SCHOOL IMPROVEMENT AND ENCOURAGE INNOVATION.—Our last point brings us full circle to the rationale for the law. It is not to punish schools. It is not to make educators look bad. It is about improving schools. It is about improving student achievement. It is about investing in what research has proven works while also discovering new models and innovations. We want to increase the capacity of States and other entities to better assist schools that need help making AYP; target funding, assistance and distribution of effective educators to high-need schools; and continue support for innovative models, such as charter schools, diverse providers and techniques that effectively integrate technology into appropriate aspects of teaching, learning and management.

For too long the business community has been willing to leave education to the politicians and the educators—standing aside and contenting itself with offers of money, support, and goodwill.

Not anymore. This is a matter of critical national urgency. What's at stake is nothing less than the continued success and competitiveness of the American economy—and the continued viability of the American Dream.

America needs a world-class education system. Students deserve it, parents demand it, and businesses require it to compete and win in the global economy.

This concludes my prepared written testimony. I look forward to discussing my comments in more detail during the question and answer period, but before that, I would again like to thank the two Committees for inviting me here today.

Chairman MILLER. Thank you very much.

Mr. Casserly?

STATEMENT OF MICHAEL CASSERLY, COUNCIL OF THE GREAT CITY SCHOOLS

Mr. CASSERLY. Thank you very much, Mr. Chairman.

Good morning. My name is Mike Casserly. I am the executive director of the Council of the Great City Schools. I want to thank you very much for the opportunity to testify this morning.

As you may remember, the Council of the Great City Schools supported No Child Left Behind when it was heading to the floors of the House and Senate for final passage in December of 2001. We were the only national education organization to do so, but our members wanted to be on record in support of raising student

achievement, closing achievement gaps and being accountable for results.

We think that the law has been helpful to us on a number of fronts. It has continued and strengthened the standards movement. It has spurred the use of regular assessments. It has elevated the priority of reading and math instruction. It is introduced accountability into education, and it has underscored the role of highly qualified teachers.

The council has followed through on its support of the law by providing extensive technical assistance on its implementation. We have published our annual state test scores, we initiated trial urban district assessment of NAEP, we are conducting research on the common reforms amongst the fastest improving urban school districts in the country, and we have been providing extensive technical assistance to our members on how to raise student achievement.

We also, however, backed No Child Left Behind knowing that it had numerous challenges. Multiple requirements and many poorly calibrated provisions. We see many of the problems with the law that many of the law's toughest critics see. We see insufficient focus on good instructional practice and too much test prep. We see an overemphasis on compliance with non-instructional requirements.

We see large amounts of money diverted into supplemental services that appear to show limited effects. We see annually cascading sanctions that have schools changing strategies before anything has had time to work. And we see precious little technical assistance on how to meet the legislation's grand intent.

In general, it is clear to us that a school can be in full compliance with NCLB and not be raising student achievement. Conversely, it is possible to raise student achievement substantially and not be in compliance with the law's requirements. Nonetheless, the nation's major urban school systems have seen steady academic gains over the last several years, and our academic improvements now outpace those at the national and state levels on both state tests and the NAEP.

Still, we note that our performance as urban school districts is below state and nation averages, and our achievement gaps remain wide, although not much wider than the nation's, suggesting a national problem, not just an urban one.

These gaps are not inevitable, however. They can be closed, and the research is reasonably clear about how to do it. The key is good teaching, solid professional development and effective instructional programming. Urban school districts that are showing strong gains use this research and the accumulating wisdom about what it takes to improve urban schools.

We have borrowed from these lessons that these faster improving urban school districts have made to inform the recommendations that we are making to Congress about the reauthorization.

First, we are proposing national standards in reading, math and science to close up some of the inequities feeding the gaps that our 50-state system now exacerbates. We would require that states tether their tests to those standards with comparable definitions of proficiency. We also think that proposals to allow growth models

make more sense when growth means the same thing state to state.

Second, we would reorient the legislation toward instruction and achievement by replacing the current system of annually cascading sanctions, school improvement I, school improvement II and corrective action, with a single 3-year intervention and improvement period. There is a chart in the back of our testimony that illustrates how that would work.

During this 3-year period, which would be free of sanctions, we would require schools that had not made AYP on the same subgroups and subjects to devote an amount equal to 30 percent of the Title 1 allocations to instructional strategies that have proven successful. These would include professional development for principals and teachers, instructional interventions, extended time programs, quarterly assessments, instructional coaching, differentiated instruction and effective programming.

There are multiple ways to use these strategies well, there are also ways to do them poorly, but I would rather spend scarce resources on the kinds of activities that hold greater promise for raising student achievement than spending them on many of the procedural requirements that are now in the law.

However, we would continue to allow students to transfer to higher-performing district schools or to select a district supplemental service provider, but we would permit districts to be their own providers.

We would also follow this 3-year instructional period with one of two kinds of sanctions depending on how persistent and pervasive the school's failure had been.

Third, we would require the states to start building data systems that would eventually link student achievement with individual classrooms and teachers.

Fourth, we would limit the disproportionate assignment and hiring of underqualified teachers in the lowest-performing schools.

Finally, we would retain the grade 3 to 8 testing system, but we would allow a 3-year window for English-language-learners before building them into the accountability system.

Ultimately, M. Chairman, our goal is to offer practical solutions, not loopholes, to problems that have plagued No Child Left Behind since its beginning, to retain the purposes and framework of the law but to shift it toward raising student achievement and closing gaps and make the law more workable.

We will have a full package of recommendations for the committee next week.

Thank you, and I would be happy to answer questions.

[The statement of Mr. Casserly follows:]

Testimony
on
"Elementary and Secondary Education Act Reauthorization: Improving NCLB to Close the Achievement Gap"
before the
Committee on Education and Labor
U.S. House of Representatives
and the
Committee on Health, Education, Labor and Pensions
U.S. Senate
by the
Council of the Great City Schools

March 13, 2007
Washington, D.C.

Good morning, my name is Michael Casserly. I am the Executive Director of the Council of the Great City Schools. Thank you for the opportunity to testify at this joint House-Senate hearing on the reauthorization of the Elementary and Secondary Education Act and the impact of *No Child Left Behind* on student achievement and gaps in that achievement.

The Council is a coalition of 66 of the nation's largest urban public school systems. Our Board of Directors is composed of the Superintendent of Schools and one School Board member from each city, making the Council the only national organization comprised of both governing and administering personnel and the only one whose sole mission and purpose is improving urban education.

Our member urban school systems educate more than 7.4 million students—or about 15 percent of the nation's K-12 public school enrollment. Some 64 percent of our students are eligible for a free lunch and about 18 percent are English language learners. Approximately 78 percent of our students are African American, Hispanic, or Asian American. Nearly one-third of the nation's students of color and poor students are educated in our schools each day.

The Council of the Great City Schools supported the passage of *No Child Left Behind* when it was heading to the House and Senate floors for final passage in December 2001. We were the only national education organization to give the legislation any measure of support, and we did so because our members wanted to be on record in support of raising student achievement, closing achievement gaps, and being accountable for results.

We think that the law has been helpful in a number of ways. It has—

- Continued and strengthened the standards movement, and placed greater emphasis on student achievement and closing various achievement gaps

- Spurred the use of regular assessments to measure student progress, and the collection of better data, particularly on children who were often lost in the averages
- Placed more emphasis on the use of reading research
- Introduced accountability for results into the education arena
- Underscored the importance of having highly qualified teachers in every classroom

The Council has backed up its support of the law by providing extensive technical assistance to our members on implementing the law; publishing our annual state test scores—city-by-city, grade-by-grade, year-by-year in both reading and math for each subgroup;[1] initiating the Trial Urban District Assessment to track our progress as cities on the National Assessment of Educational Progress (NAEP);[2] conducting research on the reforms that are common among major urban school systems across the country that are making substantial academic gains;[3] and organizing Strategic Support Teams to help our member urban school districts raise student achievement.[4]

We also backed *No Child Left Behind* as it was being finalized, knowing that it had numerous challenges for urban schools, multiple requirements, and many poorly calibrated provisions. We see many of the same problems with the law that its toughest critics see, including—

- Insufficient focus on good instructional practice in many of the law's multiple provisions
- Non-instructional requirements that have resulted in an overemphasis on the implementation of and compliance with the law's technical provisions, and inconsistent implementation of the law at federal and state levels
- Diversion of large amounts of Title I money into supplemental educational services that appear to show limited, if any, effects on state test scores
- Annually cascading sanctions that result in school districts changing strategies each year before anything has had time to work
- Precious little technical assistance from the federal government or the states or research at any level on how to meet the legislation's performance goals, and inadequate funding

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[1] *Beating the Odds: A City-by-City Analysis of Student Performance and Achievement Gaps on State Assessments*, March 2006.
[2] *Trial Urban District Assessment: Reading and Mathematics*, 2005. National Assessment of Educational Progress: The Nation's Report Card.
[3] *Foundations for Success: Case Studies of How Urban School Systems Improve Student Achievement*. MDRC for the Council of the Great City Schools, 2002.
[4] The Council has provided Strategic Support Teams to Cincinnati, Cleveland, Columbus, Dayton, Denver, Detroit, Milwaukee, New Orleans, Philadelphia, Pittsburgh, Richmond, St. Louis, Toledo, and Washington, DC.

The nation's major urban school systems have seen steady academic gains over the last several years under *No Child Left Behind*, but it is not clear how much of the improvements are due to the law and how much is due to the underlying standards movement—to which we give considerable credit. Our academic improvements, in fact, now outpace those at the national and state levels on both the state assessments and on the National Assessment of Educational Progress. The law may have helped sustain our gains, but it is not clear yet whether it accelerated them. (See attached graphs.)

Still, our overall academic performance is below state and national averages, and our racially identifiable achievement gaps remain wide—although they are not much wider than those of the nation at large. The gap in reading between white and African American fourth-graders nationally on the NAEP in 2005 was about 29 points (on a 500-point scale); the gap in the large central cities was about 32 points. The gap in math was about 26 and 30 points, respectively—the equivalent of about two-and-a-half to three years of schooling. Neither gap—national or urban—has narrowed much since 2002, when the Trial Urban District Assessment was first administered, although both white and black students in the cities have shown parallel gains.

Reading gaps on the NAEP between white and Hispanic fourth-graders are about the same, nationally and in the urban areas, as those between whites and African Americans—about 27 to 30 points. Gaps in math performance are somewhat smaller, however—about 21 to 24 points. In the last several years, there are few signs that these gaps are narrowing on the NAEP.

Trend lines on the state tests, however, show tangible progress. Between 2000 and 2005, reading data indicate that 84.6 percent of all fourth grades tested in the Great City Schools showed some narrowing of the achievement gap between white and African American students; and 63.3 percent of all eighth grades tested did. The fourth grade math data, moreover, showed that 55.6 percent of all fourth grades tested showed some narrowing of the achievement gap between the two groups during the same period; and 56.4 percent of all eighth grades did.

Gaps between whites and Hispanics on the state tests also show some narrowing, although conclusions are tricky because of problems with definitions. Between 2000 and 2005, reading data indicate that 76 percent of fourth grades tested in the Great City Schools showed some narrowing of the gap between white and Hispanic students; and 75.9 percent of all eighth grades tested showed some narrowing between the two groups during the same period.

These gaps are stubborn because they result from the long-standing cross-generational patterns of inferior education, and from the persistent racial and economic inequities that are rampant in the nation's educational system, public and private. We also know that the quality of education received by our children's parents and grandparents strongly predicts their skills as they begin their formal schooling, a deficit that nearly doubles by the time a child is 17. Schools have exacerbated this situation historically by affording poor and minority students the worst textbooks, facilities, and most

importantly, teachers. The problems have persisted largely because the country has only recently understood the full effects of this pattern and has not always had the will to address it.

However, these gaps are not inevitable, as multiple international studies have shown. The gaps *can* be closed. And the research has been reasonably clear about how to do it—improve teaching and the access of all children to it. The difference between several years of good teachers versus a comparable period of ineffective ones has been estimated to account for as much as 50 percentile points in achievement. Good teacher training and professional development, smaller class sizes, and solid reading and math instructional materials can also help.

A number of our member school districts have shown progress on their overall state-test scores and in reducing their racially identifiable gaps using this research and the accumulating wisdom about what it takes to improve large urban school systems. Districts showing unusual headway on both fronts in reading, in particular, include those in Charlotte-Mecklenburg, Richmond (Virginia), Miami-Dade County, Atlanta, Norfolk, Cincinnati, Philadelphia, Austin, Long Beach, and Broward County (Florida).

These and other urban school systems are using a number of strategies to close these gaps and raise students' overall performance. Faster-improving school systems usually have strong and stable leadership, wherein the school board and the superintendent are in agreement about how to pursue their reforms and are then able to sustain that consensus and relentless focus over time. These districts are also clear about their systemwide academic goals, and the goals for individual school and subgroup attainment. Many of these urban school districts also have developed internal procedures by which they hold their people—first at the senior staff level and then in the schools—responsible for attaining the achievement goals that the leadership has set.

These faster-improving urban school systems devote substantial financial and personnel resources to ensuring that their curriculum is tightly aligned with state standards and assessments. Their core reading and math programs are usually as consistent as possible with those standards, the assessments, and the curriculum. To the extent that gaps exist, the districts fill them with supplemental materials in order to make sure that students do not miss skills on which they are likely to be tested by the state. These districts also devote substantial energy to providing a coherent program of professional development, training their staff, principals, teachers, and academic coaches on the curriculum, the use of programs and supplemental materials, pacing guides, classroom management techniques, methods for enhancing the overall rigor of the instruction, induction and mentoring, and differentiating instruction for English language learners and students with disabilities.

Most of these faster-improving districts, moreover, have mechanisms to ensure that instructional reforms are implemented at the classroom level. In addition, these districts assess their students throughout the school year, using benchmark tests, in order to catch students if they begin to slip behind. These districts do not wait until the end of

the year, when it is too late, to discover that a student wasn't mastering the material or to begin remedial work.

These higher-performing districts are often very good at interpreting and using their data to decide on where professional development is needed and for what, and to determine what tiers of interventions are appropriate when they see students starting to slip behind. Finally, these districts have a clear strategy for their lowest-performing schools and students—such as developing extended-time programs, more intensive interventions, and tutoring. Sometimes these strategies are targeted explicitly on reducing achievement gaps; sometimes they are not. But either way, they are designed to improve the performance of the lowest-achieving students and schools.

There are multiple ways to use these strategies to boost achievement and narrow the academic gaps; there are also ways to do them poorly. All in all, though, strategies such as these hold greater promise for raising achievement than many of the procedures currently required in *No Child Left Behind*, that is, allowing the state to run the school, privatizing or chartering the school, appointing an outside advisor or consultant, restructuring governance, reorganizing staff, allowing students to transfer to another school, writing another plan, and decreasing management authority.

The Council has seen many of the strategies used by the faster-improving urban school systems succeed as they were introduced by our Strategic Support Teams in schools and districts that have not seen gains. Consequently, we are recommending that Congress retain the overall framework of *No Child Left Behind* but refocus the law's provisions around instructional strategies that improve student achievement and move away from procedures that don't.

Our proposals are designed to articulate clearly the standards we—as urban school districts—are expected to achieve and to eliminate some of the inequities in expectations that our nation's current 50-state educational system has produced. These proposals are also intended to give schools adequate time to see their instructional interventions work before sanctions are applied. Thus, we recommend that the first three phases of school improvement be consolidated into a single multiyear period in which schools would be required to devote their federal resources to instructional activities. This approach would also have the benefit of muting the effects of late state test data. We have also included sanctions at the end of the intervention and improvement period, tailored to the specificity and pervasiveness of the school failure.

The Council's proposals also attempt to begin addressing the issues of teacher effectiveness and the uneven distribution of teachers. Thus, we recommend taking steps to build the technical infrastructure by which data on student performance and individual teachers are linked, as well as creating incentives and induction programs aimed at retaining experienced teachers in the schools that need them the most. Finally, our proposals aim to reduce attempts to manipulate and escape the law's accountability system but to give schools credit for academic growth and progress.

Our overall goal is to offer practical solutions to some of the problems that have plagued *No Child Left Behind*; retain the stated purposes and goals of the law; shift the focus of the law to raising achievement; and make the law more workable and operational at the local level.

The following is a summary of some of the Council's proposals to strengthen the law. We will submit our full package of proposals next week.

Thank you.

High Academic Standards

1. Develop and phase in national—not federal—education standards in reading, math, and science using a broad-based process with stakeholders and coordinated by an independent entity.

2. Align new national education standards with the best international benchmarks, 21st century workforce competencies, and skills necessary for students to succeed in postsecondary education and training.

3. Require states to tether or align their assessment systems to new national education standards with common definitions of proficiency.

Teaching and Learning

4. Reorient the legislation toward a greater emphasis on instruction and achievement by replacing the current system of annually cascading sanctions—school improvement I, school improvement II, and corrective action—with a single three-year school intervention and improvement period. (See graph.)

5. Require schools that are identified for the three-year school intervention and improvement period to spend an undifferentiated amount equal to 30 percent of their Title I funds on the following instructional strategies and interventions —

   - Tiered instructional interventions/differentiated instruction
   - Research based or promising instructional programs and methodologies
   - School review and monitoring protocols
   - Instructional coaching
   - Achievement-related professional development
   - Interim (benchmark) testing
   - Extended-time programming or supplemental educational services
   - Transfer options to higher-performing public schools

6. Make available extended time/after-school supplemental educational service (SES) programs for low-performing, low-income students. Authorize all school districts to be a provider of SES services, but allow parents 30 days to opt out of a district

program for a state-approved private provider with a record of academic effectiveness.

7. Provide low-performing, low-income students in a school identified for improvement the opportunity to transfer to a school within the school district that is not identified.

8. Require schools exhibiting a "persistent and pervasive" lack of progress in raising student achievement to close or reconstitute in one of the following two ways

   - *Comprehensive Restructuring*: Schools that fail to make academic progress in two of the three core subjects with a majority of their students during the three-year intervention and improvement period must either close or must reconstitute the school leadership and staff.

   - *Focused Restructuring*: Schools that fail to make academic progress in two of the three core subjects with one or more subgroups comprising less than the majority of all enrolled students during the three-year improvement period must review the performance of the school leadership and staff serving these subgroups of students, and then must institute a comprehensive overhaul of the academic programs and services provided to them.

Highly Qualified Teachers

9. Require states to develop databases by 2010 that would provide longitudinal and disaggregated state test score and other data on student performance by individual teacher.

10. Prohibit the disproportionate assignment or hiring of less experienced or underqualified teachers to the highest-poverty, lowest-performing schools in every district. Provide a plan by which schools that cannot meet this standard are brought into compliance.

11. Permit school districts to use Title I or Title II funds for additional or incentive pay for highly effective teachers and principals serving in low-performing, high-poverty schools or for such other incentives as induction and mentoring, additional planning time, smaller class sizes, or reduced course loads.

Assessments and Data Systems

12. Improve state data systems in order to provide assessment results to local school districts in an instructionally useful form at least one month before the start of the school year.

13. Allow a three-year (school year) window for students with limited English proficiency who are new to U.S. schools before requiring them to participate in state assessments if not available in their native language.

14. Revise the special education assessment and accountability regulations (1-percent and 2-percent provisions) after completion of the negotiated rulemaking process in 2008.

Accountability

15. Allow states to adopt progress models that take into account the growth or gain in academic achievement of districts, schools, and subgroups when determining Adequate Yearly Progress (AYP).

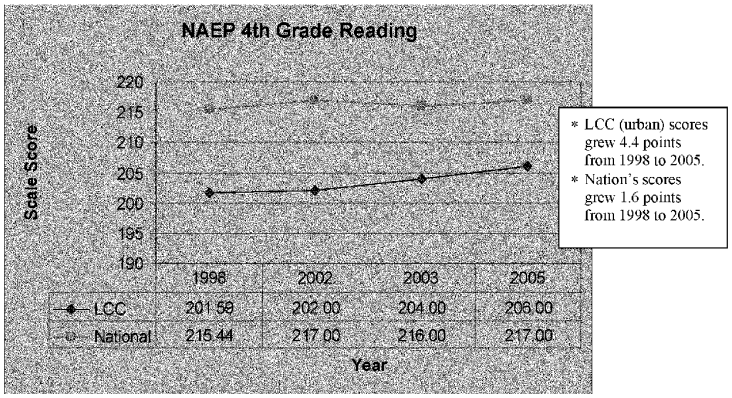
16. Allow local school districts with demonstrable data capability in states not adopting a progress model to adopt the approved progress model from another state and use it with one's own state assessment for AYP purposes.

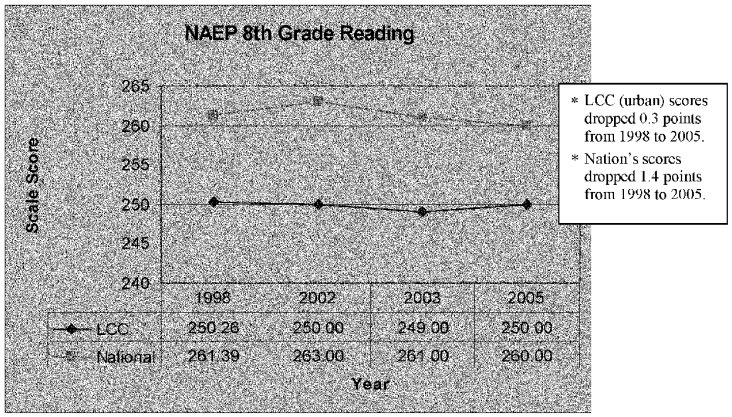
17. Include "safe harbor" provisions for students not making AYP on either status or growth procedures by recognizing subgroup progress or a narrowing of achievement gaps across performance levels. ("Safe harbor" refers to the minimum progress that a school can make in the short run to meet *No Child Left Behind* requirements.)

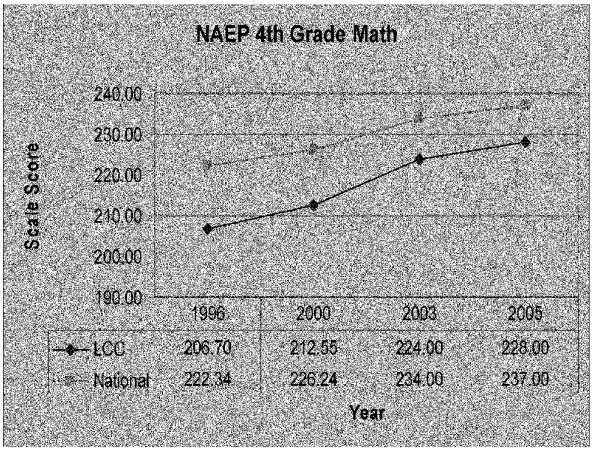
18. Determine AYP on the performance of the same subgroups in the same subject over consecutive years rather than on the performance of any combination of subgroups or subjects.

19. Prohibit the use of a minimum subgroup size or N-size larger than 30 and prohibit the use of different N-sizes for different subgroups of students.

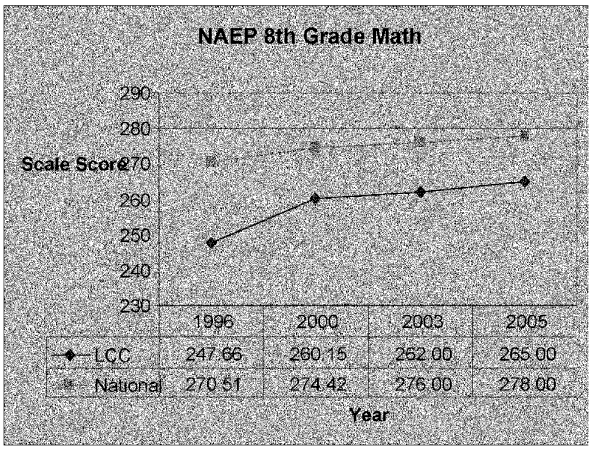
Large Central City (LCC) Progress on NAEP





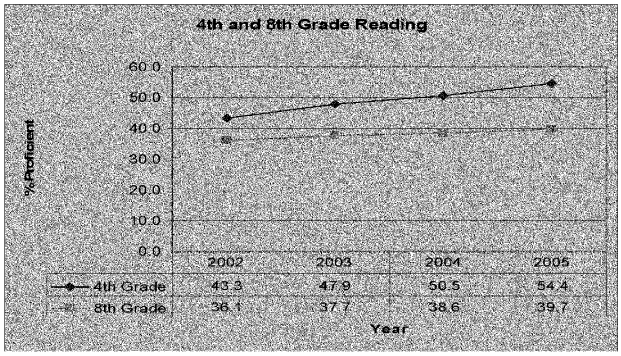


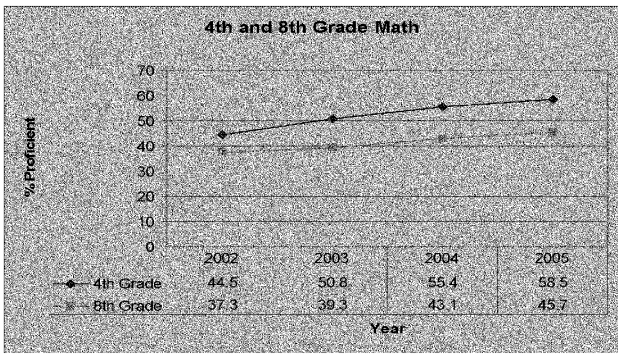
* LCC (urban) scores grew 21.3 points from 1996 to 2005.
* Nation's scores grew 14.7 points from 1996 to 2005.



* LCC (urban) scores grew 17.3 points from 1996 to 2005.
* Nation's scores grew 7.5 points from 1996 to 2005.

Great City School Progress on State Tests





Trends in State vs. NAEP Proficiency Levels in Reading/Language Arts—4th Grade[5]

		State Tests				NAEP			
		2002	2003	2005	Δ	2002	2003	2005	Δ
National									
	% Proficient +	--	--	--	--	30	30	30	0
	% Below Basic	--	--	--	--	38	38	38	0
Urban									
	% Proficient +	43.3	47.9	54.4	11.1	17	20	20	+3*
	% Below Basic					56	53	51	-5*
Atlanta									
	% Proficient +	71	76	83	+12	12	14	17	+5*
	% Below Basic	29	24	17	-12	65	63	59	-6*
Austin									
	% Proficient +	--	75	78	+3	--	--	29	--
	% Below Basic	--	--	--	--	--	--	39	--
Boston									
	% Proficient +	24	27	25	+1	--	16	17	+1
	% Below Basic	26	28	27	+1	--	52	49	-3
Charlotte									
	% Proficient +	74	83	84	+10	--	31	33	+2
	% Below Basic	--	5	4	-1	--	36	35	-1
Chicago[6]									
	% Proficient +	35	36	42	+7	11	14	13	+2
	% Below Basic	17	20	17	0	66	60	60	-6
Cleveland									
	% Proficient +	40	59	59	+19	--	9	9	0
	% Below Basic	27	13	22	-5	--	65	63	-2
D.C.[2]									
	% Proficient +	29	31	39	+10	10	10	11	+1
	% Below Basic	35	33	25	-10	69	69	67	-2
Houston									
	% Proficient +	--	69	70	+1	18	18	21	+3
	% Below Basic	--	--	--	--	52	52	48	-4
LA									
	% Proficient +	24	28	34	+10	11	11	14	+3*
	% Below Basic	38	34	32	-6	67	65	63	-4
New York									
	% Proficient +	47	52	54	+7	19	22	22	+3
	% Below Basic	15	9	9	-6	53	47	43	-10*
San Diego									
	% Proficient +	36	40	51	+15	--	22	22	0
	% Below Basic	28	23	19	-9	--	49	49	0

[5] City scores on state tests cannot be compared with one another.
[6] Third grade rather than fourth grade.

Trends in State vs. NAEP Proficiency Levels in Math—4th Grade[7]

		State Tests				NAEP			
		2002	2003	2005	Δ	2002	2003	2005	Δ
National									
	% Proficient +	--	--	--	--	--	31	35	4*
	% Below Basic	--	--	--	--	--	24	21	-3*
Urban									
	% Proficient +		50.8	58.5	+7.7	--	20	24	−4*
	% Below Basic	--	--	--	--	--	37	32	-5*
Atlanta									
	% Proficient +	--	67	70	13	--	13	17	4
	% Below Basic	--	32	30	-2	--	50	43	-7*
Austin									
	% Proficient +	--	67	78	−11	--	--	40	--
	% Below Basic	--	--	--	--	--	--	15	--
Boston									
	% Proficient +	--	16	21	+5	--	12	22	−10*
	% Below Basic	--	38	32	-6	--	41	28	-13*
Charlotte									
	% Proficient +	--	95	93	-2	--	41	44	3
	% Below Basic	--	1	1	0	--	16	14	-2
Chicago									
	% Proficient +	--	49	55	+6	--	10	13	−3
	% Below Basic	--	19	16	-3	--	50	48	-2
Cleveland[8]									
	% Proficient +	--	50	53	13	--	10	13	3
	% Below Basic	--	40	37	-3	--	49	40	-9*
D.C.									
	% Proficient +	--	35	41	+6	--	7	10	−3*
	% Below Basic	--	25	20	-5	--	64	55	-9*
Houston									
	% Proficient +	--	63	69	+6	--	18	26	−8*
	% Below Basic	--	--	--	--	--	30	23	-7*
LA									
	% Proficient +	--	40	43	13	--	13	18	5*
	% Below Basic	--	34	32	-2	--	48	42	-6*
New York									
	% Proficient +	--	67	78	−11	--	21	26	−5*
	% Below Basic	--	9	5	-4	--	33	27	-6*
San Diego									
	% Proficient +	--	39	52	13	--	20	29	9*
	% Below Basic		29	23	-6	--	34	26	-8*

[7] City scores on state tests cannot be compared with one another.
[8] Third grade rather than fourth grade.

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Chairman MILLER. Thank you very much.

Mr. McElroy?

STATEMENT OF ED MCELROY, AMERICAN FEDERATION OF TEACHERS

Mr. MCELROY. Well, good morning, Chairman Miller, Chairman Kennedy, members of both committees.

The symbolism of a joint committee on this issue is not lost on us, and I want you to know I appreciate the importance that you attach to this critical issue.

I am here today on behalf of more than 1.3 million members and 3,500 local unions of the American Federation of Teachers, here to

discuss what they care most about and that is improving teaching and learning in our public schools. That means giving No Child Left Behind proper funding, and it also means making appropriate and necessary changes during its reauthorization.

The AFT has been preparing for reauthorization by gathering feedback at town hall meetings with our members, and we also established a task force proposed by teacher leaders who studied the effects of this law and the ways to get it right.

We developed a set of recommendations, which we have submitted for the record. You will see that they reflect the real experiences of the educators throughout the United States, the people who actually do the work that we are talking about here today.

Any discussion of No Child Left Behind should begin by addressing the flaws of the adequate yearly progress system. Many schools in your congressional districts and states are making meaningful academic progress, but the current AYP system does not capture these gains. Instead, it misidentifies, as failing, thousands of schools that are making real progress.

Students, parents, teachers and community members know their schools are making solid academic improvement, yet they are told that their schools are not making the grade; devastating and demoralizing for all of those publics.

At a recent No Child Left Behind town hall meeting with our members in Boston, a 4th grade teacher said, "The entire reputation of our school hangs on one test. It is not about balanced curriculum, enrichment or learning anymore; it is about avoiding that failing school label."

We want an accountability system that is fair and accurate. That means the AYP system must give schools credit for students' progress. The law must distinguish between schools that need intense multiple interventions and those need only limited help. Struggling schools must get help when they need it, and schools that are improving should not be penalized.

On testing, our teachers report that they are required to administer test upon test. This leads to instructional time being replaced by testing and drill-and-kill preparation and, importantly, a narrowing of the curriculum to those only subjects being tested. If students are behind, they should be provided intensive math and/or reading instruction that integrates other content areas. What students do not need is less time studying other important subjects.

Members also tell us that standardized assessments often are not aligned with the curriculum that they teach. Our recommendation is simple: State tests must be aligned with the state standards and the curriculum used in the classroom. Makes no sense to judge school programs or school progress by test scores which do not test what is taught.

We are also concerned about the interventions included in No Child Left Behind, so-called supplementary educational services. Basically, many of them are unproven and a drain on the schools' limited resources. These providers are not being held accountable for results and for the way they use the tax dollars.

In Illinois, for example, the Chicago Tribune reported that private tutoring firms are spending just 56 cents of every NCLB dollar

to tutor children who are behind. The other 44 cents goes to profit and overhead.

Too often SES and other NCLB sanctions are punitive, ideological and not evidence based. Too much of that assistance looks like punishment to students and to the school community.

We, the AFT, have a proven track record of collaborating to turn around low-performing schools. We know that successful school turnarounds occur when schools use dated guide instruction, provide quality professional development, put in place programs with a strong research base and tailor the intervention to the needs of the school and the community.

NCLB should require that any entity providing services to students use research-based methods, have demonstrated effectiveness and be held accountable for those results.

At our town hall meetings, members also spoke about the law's highly qualified teacher requirement. Many teachers met the requirement from day one, many have fulfilled the requirement since then, and it is a credit to the people who teach in our schools. Five years later, proposals are being put forth that would require teachers to jump through an additional hoop to prove they are worthy of teaching our nation's children.

NCLB, in its current form, is burdensome and demoralizing to teachers, and yet they continue to adhere to changing requirements so they can continue to teach. It is unacceptable to pose on them another unfair accountability measure.

I want to wrap up by saying, good teachers are central to good education, but there are other factors that are essential as well. Just to give you one example, consider how the physical condition of our school buildings affects education. We addressed that topic and I will ask to make part of the record this document that deals with building minds, minding buildings, talking about how those conditions affect our schools.

We championed the goals long ago of raising academic standards for all and closing the achievement gap. We look forward to working with you on the reauthorization of this legislation.

Thank you, Mr. Chairman.

[The statement of Mr. McElroy follows:]

Prepared Statement of Edward J. McElroy, President, American Federation of Teachers

Thank you for this opportunity to testify before the education committees of the U.S. House of Representatives and the Senate. My name is Edward J. McElroy, and I am the president of the American Federation of Teachers (AFT). On behalf of the more than 1.3 million members of the AFT, I am here today to tell you that the number-one concern of AFT members is how to strengthen and improve teaching and learning in our public schools. We believe that an important part of accomplishing this is to ensure that appropriate changes are made to the No Child Left Behind Act (NCLB) during its reauthorization.

The AFT has been preparing for the reauthorization of NCLB by gathering feedback from our members on the impact of this law in their classrooms and their schools. We established an NCLB task force composed of our teacher leaders from across the country to study the effects of this law and to develop recommendations to revise NCLB. The other AFT officers and I have held a series of town hall meetings with our teacher and paraprofessional members nationwide to discuss how NCLB has affected teaching and learning in their classrooms.

The attached set of recommendations for the reauthorization of NCLB is comprehensive and reflects the real experiences of educators throughout the United States. My testimony today will focus both on key concerns that I hear repeatedly

about the impact of NCLB and on our recommendations for addressing these concerns.

No discussion of NCLB can begin without first addressing the flaws of the current adequate yearly progress (AYP) system. Senators and representatives, many schools in your congressional districts and states are making meaningful academic progress with students, but the current AYP system does not capture these gains. Instead, it misidentifies as failing thousands of schools that are making real progress. It's demoralizing for students, parents, teachers and communities when they know that their schools are making solid academic progress, yet still see them listed in the local paper as "not making the grade."

At one recent town hall meeting on NCLB convened by the AFT, the comments of a fourth-grade teacher from Boston reflected this demoralization: "The entire reputation of our school hangs on one test," she said. "It's not about balanced curriculum, enrichment or learning anymore. It's all about avoiding that 'failing school' label."

We welcomed the U.S. Department of Education's pilot program, which allowed a small number of states to experiment with growth models as a way to make AYP. Unfortunately, we believe that the department's definition of growth is too narrow. States should be permitted to submit and implement a variety of proposals that allow those schools serving students who are the furthest behind to receive credit for their academic progress.

The AFT wants an accountability system that is fair and accurate—one which ensures that no group of students is ignored. A sound accountability system must serve another important purpose: It should distinguish between schools that need intense and multiple interventions and those that need only limited help. This will ensure that struggling schools get help when they need it and schools that are improving will not be unfairly penalized.

Educators also tell us they are required to administer test upon test upon test, including school, district and state tests. This layering of tests leads to an excessive amount of what should be instructional time being diverted instead to testing and drill-and-kill preparation, which results in a narrowing of the curriculum to only those subjects being tested. Students should have science, social studies, the arts, history—and recess. If students are very far behind, they should be provided opportunities for additional intensive math or reading instruction that is integrated with other content areas, rather than stealing time from these subjects.

Another thing we are hearing from our members and confirmed in a July 2006 AFT report titled "Smart Testing" is that the standardized assessments teachers give to students often are not aligned with the curriculum they teach all year. This is not the teachers' fault. Our report revealed that only 11 states had assessments fully aligned with their standards. Our recommendation is simple: State tests must be aligned with the state standards and the curriculum being used in classrooms. If schools are going to be judged on the basis of test scores, the tests should measure what teachers are being asked to teach.

We also hear from our members that schools which are struggling academically don't get the kind of help they need and don't get the help when they need it. Frankly, NCLB's choice and supplemental educational services requirements are unproven interventions, and they drain resources at the very time these schools need them if they are to improve. And under the current system, these private entities are not being held accountable for student achievement. We know that schools with difficult teaching and learning conditions need intensive and ongoing support. Educators tell me that help only arrives after their schools are identified as not making AYP for a number of years. And then that "help" is often in the form of unproven reforms like state takeovers of schools or private management interventions that don't connect to what is happening in classrooms. Any entity that provides services to students must use research-based methods, have a proven record of effectiveness and be held accountable for results.

The AFT has a proven track record of collaborating to turn around truly low-performing schools. From our work in places like the former Chancellor's District in New York City, the Pilot Schools in Boston, Miami-Dade's Zone Schools and the ABC Unified District in Southern California, we can share strategies that we know really work. First, the "assistance" should not punish students and their schools; it should help them. Too many NCLB sanctions are punitive, ideological, not logically sequential, and neither research- nor evidence-based. Second, interventions should reflect each school's unique challenges. One or more of the following interventions have increased student achievement in places where some had thought persistent low achievement to be intractable:

- Immediate, intensive reading instruction based on diagnostic tests beginning in prekindergarten and/or kindergarten;

- Intensive reading and math instruction and enrichment programs;
- A rich and sequenced curriculum for all students;
- Quality assessments that are aligned to the curriculum;
- Extended school day and summer programs for students who need extra academic help;
- Reduced class size so that teachers can individualize instruction and meet student learning goals;
- Early childhood education programs;
- Research-based professional development; and
- Enhanced induction and mentoring programs.

Finally, I want to discuss NCLB's requirements for teachers. When NCLB was enacted in 2002, it mandated the "highly qualified teacher requirements" for the first time. Five years after the law's enactment, more than 90 percent of teachers have met their requirements. This is a tremendous success, and the teachers, along with the institutions that support them, deserve to be commended. They were told what they needed to do, and because they value their jobs and love teaching children, they met the mandated requirements. Let me remind you that when Congress debated enacting the highly qualified teacher requirements, they were heralded as the way to ensure that all students received a quality education. Five years later, we are hearing proposals that would require teachers to jump through an additional hoop to prove they are worthy of teaching our nation's children. Let me be clear: NCLB in its current form is burdensome and demoralizing to teachers, and yet they continue to teach and continue to adhere to requirements that allow them to teach because they have chosen the teaching of children as a career. But it is unacceptable to ask them to meet yet another unproven federal requirement.

Teachers want to be effective. And schools must be places where teachers feel they can be effective. We ask too many teachers to teach and students to learn in conditions that frankly are shameful—in dilapidated school buildings, without the basic materials they need, and in unsafe conditions that are hardly conducive to teaching and learning.

The AFT believes that NCLB's stated goal of closing the achievement gap cannot be fulfilled without improving conditions in schools. Districts should be held responsible and accountable for ensuring adequate facilities, a safe and orderly school environment, and the instructional supports necessary to help students succeed. Additionally, federal, state and local resources must be marshaled to provide competitive compensation and other incentives to attract well-qualified teachers to low-performing schools—and keep them there. Finally, meaningful professional development and strong instructional leadership are essential to meeting the goals of NCLB.

Long before NCLB became law, the AFT championed high academic standards, disaggregation of data so that we can close the achievement gap, a qualified teacher and well-trained paraprofessional in every classroom, and instructional supports for struggling students and the public schools they attend. The No Child Left Behind Act is only the latest iteration of the federal commitment to our nation's students. The AFT looks forward to working with Congress to strengthen this commitment as NCLB is reauthorized.

Thank you again for the chance to share teachers' perspectives on the impact of NCLB in our nation's classrooms.

Chairman MILLER. Thank you very much.

Mr. Weaver?

STATEMENT OF REG WEAVER, NATIONAL EDUCATION ASSOCIATION

Mr. WEAVER. Good morning, Chairman Kennedy, Chairman Miller and members of the committee. I am honored here to be here representing 3.2 million members of the National Education Association, and we believe the ESEA reauthorization presents us all with a unique opportunity to have a renewed national discussion about public education.

And we hope that this unusual joint hearing is a signal that you are willing to engage in a larger conversation about what it will truly take to achieve what should be our collective mission as a so-

ciety, that a great public school is a basic right, not a luxury, but a basic right for every child in America.

And I would like to focus my remarks today on the big picture: What do we expect from public education, and how do we fashion our laws to achieve these goals?

As in 1965, when ESEA was first passed, the federal government must step up to ensure that all children, no matter where they live, no matter what their family circumstances, will receive the world-class public education that they deserve. That is the American dream, and that should be our focus as we approach this next reauthorization, striving to build a public education system infused with innovation and opportunity for all.

Yet, NEA members are the first to acknowledge that our public schools face many challenges. We have too many children on the other side of achievement, skills and opportunity gaps. Too many of our neediest students are still being taught by uncertified and unprepared teachers.

We have unacceptable gaps in access to after-school programs and extended learning time programs, gaps from preventing students from accessing a rich and broad curriculum and significant infrastructure and school environment gaps that hamper learning. And even more troubling is the dropout crisis in America, with far too many low-income and minority students losing hope and seeing no way to bridge the gap.

These gaps are intolerable, they contradict everything that this nation stands for, and they impede our future success. Let's commit ourselves to a richer accountability system, with shared responsibility by stakeholders at all levels. Accountability should never be about assigning blame; it should be about improving student learning and identifying and addressing and ultimately eliminating the gaps.

To achieve this, we must improve methods of assessing student learning. We should employ multiple measures at assessing both individual student learning and overall school effectiveness in improving student learning. States should be permitted to design richer, more accurate systems based on a wide variety of factors, including growth models, that should be weighed in making determinations about whether or not a school is high-performing.

What about schools having 21st-century curriculums? Fund grants to states to develop 21st-century content and authentic assessments that measure 21st-century skills and knowledge. Reform secondary schools so that they encourage students to attend college and provide coursework to reduce dramatically the need for remediation in college. Adopt a federal graduation for all proposals, including grants to states that agree to eliminate the concept of dropping out of school or that raise the compulsory attendance age.

Congress should also think broadly about how to ensure quality educators in every classroom. Reward states that set a reasonable minimum starting salary for teachers and a living wage for support professionals working in school districts that accept federal funds. NEA recommends that no teacher in America should make less than $40,000, and no public school worker should make less than $25,000 or a living wage.

Fund grants to help teachers in high-poverty schools pay the fees and assess professional development supports to become national board certified teachers. Consider other financial incentives to attract and retain quality teachers in hard-to-staff schools, including financial bonuses, college student loan forgiveness and housing subsidies. Restore a separate funding stream to help states reduce class sizes to no more than 15 students and awarding grants to states that conduct surveys of teaching and learning conditions and agree to address problem areas that are revealed by these surveys.

My testimony today has focused primarily on the big picture, the ideals and principles that should guide debate on the federal role in education and frame the context for ESEA reauthorization. If, however, Congress should approach reauthorization by looking to make minor adjustments to the law rather than consider broader policy changes, I have included in my written statement 10 specific changes to the law that are of utmost concern to the NEA.

I also encourage members of the committee to look at NEA's positive agenda for the ESEA reauthorization, attached as an appendix to my written statement. The positive agenda reflects the fact that while ESEA's No Child Left Behind has laudable goals—closing the achievement gaps, raising student achievement for all—its overly prescriptive and punitive accountability provisions have failed to move our nation closer to those goals. It has had many unintended consequences, such as narrowing the curriculum that has actually moved us away from those goals.

We now have an opportunity through this reauthorization to make those goals and more a reality.

Thank you.

[The statement of Mr. Weaver follows:]

Prepared Statement of Reg Weaver, President, the National Education Association

Chairman Kennedy, Chairman Miller, and Members of the Committees: Thank you for the opportunity to speak with you today on these very important issues. I am honored to be able to represent the views of the 3.2 million members of the National Education Association at this joint hearing.

NEA is the largest professional association in the country, representing public school educators—teachers and education support professionals, higher education faculty, educators teaching in Department of Defense schools, students in colleges of teacher education, and retired educators across the country. While our membership is diverse, we have a common mission and values based on our belief that a great public school is not a luxury, but a basic right for every child.

Our members go into education for two reasons—because they love children and they appreciate the importance of education in our society. We want all students to succeed. Our members show up at school every day to nurture children, to bring out their full potential, to be anchors in children's lives, and to help prepare them for the 21st century world that awaits them. It is their passion and dedication that informs and guides NEA's work as we advocate for sound public policy that will help our members achieve their goals.

I am delighted that your committees are interested in a larger discussion about the role of accountability in our public schools and what we believe our public schools ought to provide and accomplish in our society. NEA and our members view reauthorization of the Elementary and Secondary Education Act (ESEA) as an opportunity for a renewed national discussion about public education. You, as our elected officials, have an opportunity to lift up this dialogue, to be bold, to embrace not only the call for equity in American education, but the demand for innovation as well. We hope that this debate will ultimately unite the nation as we strive to fulfill the promise of public education to prepare every student for success in a diverse, inter-dependent world.

A meaningful and productive debate must begin with a look backwards—at the origins of federal involvement in education. We can then look forward in an open dialogue about the impact of our changing work on that federal role. As you know, the federal role in education was established during the Presidency of Lyndon Baines Johnson, when Congress passed President Johnson's comprehensive package of legislation including Head Start, the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Adult Education Act of 1966. These proposals—part of President Johnson's "War on Poverty"—were vehicles through which the federal government sought to address inequities in access, opportunities, and quality of public education for poor and minority communities who lacked the power to equalize resources flowing to their communities and schools.

Earlier this month, the House of Representatives passed bipartisan legislation to name the United States Department of Education headquarters building here in Washington, DC the Lyndon Baines Johnson building. Passage of that bill serves as an important reminder of the volatile and unstable environment facing our nation in 1965. It was in this climate that Congress passed the first ESEA, to address the devastating impact of poverty on a child's educational opportunities and to ensure that every child, no matter where he or she lived, would have the same opportunities to realize the American dream.

Today, our nation is once again facing volatile times. We are struggling with how to resolve international conflicts, to secure our competitiveness in the world's economy, to ensure that every child will receive the world-class public education that he or she deserves, and to provide all children with the tools and resources necessary to be active, engaged, successful citizens of our democracy.

It is within this context that I would like to offer our views on the principles we believe essential and the direction we believe the federal government should move in with the reauthorization of No Child Left Behind.

What Do We Want From Public Education and What Role Should the Federal Government Play in Achieving These Goals?

Public education is the gateway to opportunity. All students have the human and civil right to a quality public education and a great public school that develops their potential, independence, and character. Public education is vital to building respect for the worth, dignity, and equality of every individual in our diverse society and is the cornerstone of our republic. Public education provides individuals with the skills to be involved, informed, and engaged in our representative democracy.

We believe that the expertise and judgment of education professionals are critical to student success. Partnerships with parents, families, communities, and other stakeholders are also essential to quality public education and student success. Individuals are strengthened when they work together for the common good. As education professionals, we improve both our professional status and the quality of public education when we unite and advocate collectively. We maintain the highest professional standards, and we expect the status, compensation, and respect due all professionals.

Obviously, the federal government cannot ensure all of these things alone. However, we believe that it should—at a minimum—address disparities impacting the quality of education our children receive and the resulting disparities in outcomes.

How Should We Use Accountability Systems to Remedy Educational Disparities?

If we agree that public education serves multiple purposes, then we know there must be a richer accountability system with shared responsibility by stakeholders at all levels for appropriate school accountability. Such an accountability system must marry not only accountability for achievement and learning by students, but also shared accountability to remedy other gaps in our education system and flaws in the current accountability model.

Opportunity Gaps

Before I address achievement and skills gaps, I would like to take a moment to discuss the opportunity gaps that hinder so many of our nation's children. We believe that policy makers at all levels should fulfill their collective responsibility to remedy these gaps.

Too many of our neediest students are taught by uncertified and under-prepared teachers. At NEA, we are as troubled by that phenomenon as these committees have been. We believe that knowledge of content and demonstrated skills in instructional methodology are critically important in ensuring that all students receive the kind of instruction they deserve. Improving working conditions and student learning conditions is another vital element to attract and retain qualified teachers to hard-to-staff schools.

Other troubling gaps include access to after school programs and extended learning time programs and curriculum gaps preventing students from accessing a rich and broad curriculum. For example, many poor and minority communities as well as many rural and urban schools do not have access to arts, advanced placement, or physical education courses, nor do they have access to innovative curricula such as information literacy, environmental education, and financial literacy.

We also are concerned about significant infrastructure and school environment gaps that hamper learning. Students clearly cannot learn in buildings with leaky roofs or in classrooms in which one cannot turn on a computer and the lights without blowing a fuse. I agree with Bill Gates that our schools shouldn't look like they did in the 1950s. For example, science labs should not only have Bunsen burners, they should have technology to run experiment simulations. Yet, too many of our schools do look the same as they did 50 years ago because President Dwight Eisenhower was the last President to make a major investment in school infrastructure—$1 billion for school facilities.

Achievement and Skills Gaps

Now, let me turn to the subject of achievement and skills gaps. They exist, they are intolerable, and they impede our future success as a nation. That is why I have made closing achievement and skill gaps a top priority for the NEA. We have dedicated millions of dollars to this effort and will continue to do so. I have included in this testimony just a few examples of the work we are doing in this area (attached as Appendix I).

While one of the primary purposes and goals of NCLB is to close achievement gaps, I do not believe that has been the outcome. The respected Civil Rights Project at Harvard, in a June 2006 report, found that "federal accountability rules have little to no impact on racial and poverty gaps. The NCLB Act ends up leaving many minority and poor students, even with additional educational support, far behind with little opportunity to meet the 2014 target."

An accountability system designed to raise student achievement and close achievement gaps must include the following elements:

Improved methods to assess student learning, including improving the quality of assessments and giving real meaning to NCLB's "multiple measures" requirement

The term "achievement gaps" has become synonymous with differences in scores on standardized tests between groups of students. And, given the poor quality of tests across the country, those test scores reflect little more than a student's ability to regurgitate facts. If we are truly committed to preparing our children to compete in the 21st century economy and world, we need to develop and assess a broader set of knowledge and skills.

As NEA member John Meehan, an elementary school teacher from Alton, Illinois, has told NEA:

"Assessments are critical to help identify the academic needs of students, but not all students test well. Many are stressed to the point of simply giving up and not trying. Accountability is important, yet giving a test is just one method of measuring student learning and growth. I've seen so many good students who are learning and growing academically yet who do not test well. I was one of those students. To this day, I don't take tests well, yet I'm able to learn. We need to help students learn, not just teach them to take tests."

NEA has been engaged for the last four or five years in a collaborative effort with businesses and other education groups to attempt to define "21st century skills." The Partnership for 21st Century Skills has issued several reports[1] along these lines as well as a set of principles for ESEA reauthorization (attached as Appendix II). These principles state in part: "Standardized achievement assessments alone do not generate evidence of the skill sets that the business and education communities believe are necessary to ensure success in the 21st century."

We believe the U. S. Department of Education under the previous Secretary made a grave error in allowing states simply to "augment" norm-referenced standardized tests with a few additional test items aligned with the state content standards. In practice, this means that the tests do not measure higher order thinking, analytical problem-solving, or synthesis skills—the very skills businesses want and need from the workforce. Thus, the early decision to put test administration ahead of an examination of desirable content and skills has had a terrible impact on the current accountability framework.

We believe the NCLB "multiple measures" language has two distinct meanings, and that both are necessary in an accountability framework. First, the term "multiple measures" means multiple indicators of student learning. The research is clear that results of one math test and one reading test are insufficient to determine a

child's achievement and skill levels. Therefore, we must also employ multiple methods to determine what a student knows and can demonstrate.

We should employ multiple measures in assessing both individual student learning and overall school effectiveness in improving student learning. For example, we believe a richer more accurate system that a state should be permitted to design could include statewide assessment results at 50 percent, high school graduation rates at 25 percent, and one other factor, such as local assessments, at 25 percent. Multiple measures systems would provide the public with a more complete picture of their local schools and their states' ability to provide great public schools for every child.

Systemic supports for schools and individual supports and interventions for students

An accountability system should ensure that all subgroups of students are being served in a manner that will eliminate disparities in educational outcomes. Yet, doing so must begin with an explicit understanding that every child is unique and that the entire system should be accountable for serving each individual child's needs. The tension between approaches is no better illustrated than by comparing NCLB accountability, which is focused on student subgroup outcomes, to the Individuals with Disabilities Education Act, which uses an individualized approach to accountability through Individualized Education Plans.

In order to close achievement and skills gaps between groups of children, we must acknowledge the need for two simultaneous approaches: changes in the way we provide supports and interventions to the school and changes in the way we provide supports and interventions to individual students who need help. NEA's Positive Agenda for the ESEA Reauthorization (See Appendix III) sets forth a variety of supports we hope will be included in the next reauthorization of ESEA.

What Other Roles Can the Federal Government Play in Ensuring a Great Public School for Every Child?

Innovation and graduation for all

In addition to accountability for student learning, the federal government should focus on less tangible, but no less important, differences in the development of students as well-rounded individuals prepared for life after high school graduation. Federal policy should support innovative approaches to making students' educational experience engaging and relevant to them. The world has changed dramatically since enactment of the Elementary and Secondary Education Act of 1965, and thus our public schools must also change. Technology has transformed not only our economy, but the world's economy. A wonderful benefit of this transformation is that all nations are more globally interdependent.

Our schools need to reflect the world in which our children live: a world infused with a 21st century curriculum. They need to help students become well-rounded individuals with skills to compete in a changing world and contribute to the rich, diverse societal fabric that makes our country so impressive. Ultimately, an educational experience that is more relevant to a student is going to be more engaging and will lead to greater knowledge and skills. A rich, relevant, and challenging experience can help address all students' needs. It can captivate and challenge our gifted students, while also providing a positive influence for students at risk of dropping out or engaging in high-risk behaviors.

Consider this statement from NEA member Donna Phipps, an art teacher in New London, Iowa:

"I have been an art teacher in three different school districts in the last nine years. * * * Arts education and vocational education are the heart and soul of students. They allow students to explore and expand who they are. * * * These programs have been cut to ensure that schools remain off the watch list and the list of schools in need of assistance. When art and vocational programs are cut, you might as well tell students that the innermost core of who they are no longer matters. * * * Don't allow NCLB to stifle future artistic exploration and invention."

Federal policy should recognize states that have designed a plan to create 21st Century Schools using the Framework developed by the Partnership for 21st Century Skills and a plan to advance STEM (Science, Technology, Engineering, and Math) education. We believe the federal government should fund these states through grants to develop 21st century content and authentic assessments that measure 21st century skills and knowledge.

In addition, all of our schools, particularly high schools, should encourage as many students as possible to attend college and should provide coursework to reduce dramatically the need for remediation in college. At the same time, we also must acknowledge the continued need for a major investment in career and technical education programs. And, we need to ensure that high schools take into con-

sideration the transition needs of all student populations, not just students with disabilities. In other words, we need to do whatever it takes to ensure that a student's next step after high school will be one he or she takes with the confidence that comes from being well-prepared.

Finally, we urge Congress to adopt a "graduation for all" proposal that combines the work of Representative Hinojosa and Senators Bingaman and Murray with NEA's 12-point action plan to address the dropout crisis in America (see Appendix IV). For example, we believe Congress should provide funding for grants to states that agree to eliminate the concept of "dropping out" of school or that raise the compulsory attendance age. We need graduation centers for 19- and 20-year-olds and those who have dropped out of school—a concerted effort to prevent the loss of one more child and to help those who already have dropped out. This is not only in America's self-interest to ensure future competitiveness, it is a moral imperative. NEA will be providing Congress with more specific recommendations regarding the federal role in reinventing our high schools shortly.

Quality educators in every classroom

NEA's Positive Agenda includes a number of proposals to ensure the highest quality educators, many of which were included in Chairman Miller and Chairman Kennedy's TEACH Act legislation last year. Beyond these proposals, we encourage Congress to think broadly about this important issue.

For example, we believe Congress should reward states that set a reasonable minimum starting salary for teachers and a living wage for support professionals working in school districts that accept federal funds. We have asked our nation's educators to take on the most important challenge in ensuring America's future. Yet, we have denied these educators economic security and respect. It is time to end this untenable situation. Congress must take a bold step and set that minimum standard.

NEA would recommend that no teacher in America should make less than $40,000 and no public school worker should make less than $25,000 or a living wage. According to a recent study by the National Association of Colleges and Employers, the teaching profession has an average national starting salary of $30,377. Meanwhile, computer programmers start at an average of $43,635, public accounting professionals at $44,668, and registered nurses at $45,570.[2] Even more shocking is that the average salary for full-time paraprofessionals is only $26,313, with a wide salary range across job duties. NEA has education support professional members who live in shelters, others who work two and three jobs to get by, and others who receive food stamps. This is an unacceptable and embarrassing way to treat public servants who educate, nurture, and inspire our children. I would encourage you to read their stories.[3]

We also urge Congress to advance teacher quality at the highest poverty schools by providing $10,000 federal salary supplements to National Board Certified Teachers. Congress also should fund grants to help teachers in high poverty schools pay the fees and access professional development supports to become National Board Certified Teachers.

In addition, you should consider other financial incentives to attract and retain quality teachers in hard-to-staff schools including financial bonuses, college student loan forgiveness, and housing subsidies.

Finally, we believe that the equitable distribution of highly qualified teachers depends not just on decent wages, but more importantly upon the teaching and learning conditions in each school. Therefore, we strongly encourage Congress to restore a separate funding stream to help states reduce class sizes. We hope that states accepting such funds would be required to develop a plan to ensure a maximum class size of 15 students in every school at every grade level. We understand the challenges inherent in meeting this goal. However, we believe that ensuring the greatest possible individualized attention for each student should be as high a priority as ensuring that each student achieves at a certain level. In fact, the two goals are inextricably linked, as research clearly shows the positive impact of small class size on student learning.

In addition to class size reduction, federal policy should award grants to states that conduct surveys of teaching and learning conditions across the state and within districts and agree to address problem areas revealed by those surveys. North Carolina has been a leader in this effort, and there are initiatives currently underway in Arizona, Kansas, Mississippi, Nevada, Ohio, and South Carolina. We would encourage you to look at the work of the Center for Teaching Quality (*www.teachingquality.org*) with whom the NEA has partnered to expand these initiatives.[4]

Specific Changes to No Child Left Behind

My testimony today has focused primarily on the big picture—the ideals and principles that should guide debate on the federal role in education and should frame the context for NCLB reauthorization. NEA is not alone in highlighting those areas that need the most attention. In fact, we have signed onto the Joint Organizational Statement on NCLB, which currently has the support of 113 groups representing education, civil rights, children's, disability, religious, and citizens' organizations. The Joint Statement recommends 14 significant, constructive corrections that are among those necessary to make the Act fair and effective (See Appendix V). If, however, Congress should approach reauthorization by looking to tweak the law rather than consider broader policy changes, we would offer the following suggestions, which are of utmost concern to NEA's members:

1. Allow states to use a "growth model" as part of the AYP definition (provided that state data systems are equipped with individual student identifiers) to track and give credit for student growth over time.

2. Clarify the language about assessments. Tests should be used for diagnostic purposes and educators should receive results in a timely manner to inform instructional strategies. Overall, assessment language should require a much more comprehensive look at the quality of assessments for all student populations and their true alignment with state content standards.

3. Encourage 21st century assessment that is web-based and provides timely results useful to teachers, parents, and students. Such assessments should be accessible to all student populations.

4. Replace current accountability labels ("in need of improvement," "corrective action," and "restructuring ") with a system that rewards success in closing achievement gaps and focuses on helping schools.[5] Semantics and policies should reflect the goal of targeting help where it is needed most. Therefore, schools in need of additional supports and interventions should be classified as: priority schools, high priority schools, and highest priority schools.

5. Mandate multiple measures in the AYP system. Current multiple measure language is not enforced in a way that gives schools and districts credit for success on factors other than state standardized assessments, including such measures as school district and school assessments, attendance, graduation and drop-out rates, and the percent of students who take honors, AP, IB, or other advanced courses.

6. Extend from one year to a maximum of three years the time for an English Language Learner to master English before being tested in English in core content areas. This change would be consistent with research findings about the average pace for English language acquisition. Students who become proficient in English in fewer than three years should be tested in English. However, to expect a non-English speaker to take a math or reading test in a second language prior to achieving proficiency in that language sets that student up for failure. Furthermore, students and schools should not be punished for the failure of the system to make available native language assessments.

7. Include students with disabilities in any accountability system, but allow states to use grade level appropriate authentic assessment for special education students based on their IEPs. Under IDEA '04, IEP teams are required to ensure that IEPs are aligned with state content standards and state achievement standards. Teams are also required to set annual measurable objectives for students with disabilities, so that growth in their learning is not only expected, but required.

8. Provide a separate funding stream for and target public school choice and supplemental services to those students who are not reaching proficiency in reading and math.

9. Improve the quality and oversight of supplemental services to ensure they meet the same standards as public schools.

10. Close two loopholes in the highly qualified teacher definition. NCLB itself exempts some teachers in charter schools from having to be fully licensed or certified. The Department of Education's regulations allow individuals going through alternate route to certification programs to be considered highly qualified for up to three years before completing their program. Each of these exemptions should be eliminated.

I thank you again for the opportunity to speak with you today. I look forward to working closely with your two committees on ESEA reauthorization as we strive to ensure every child's basic right to a great public school.

APPENDIX I: NEA WORK ON CLOSING ACHIEVEMENT GAPS

NEA's work on closing achievement gaps focuses on policy and practice. In the policy arena, an NEA grants program funds state affiliates' efforts to change state

public policy environments to better support members' efforts to close the gaps. We also conduct annual policy summits on the educational status of traditionally underserved student groups. In the practice arena, NEA offers a variety of professional development sessions for members, and state and local staff to help them gain the knowledge and skills required to close achievement gaps. We also produce a number of publications on the achievement of diverse students that serve as training and resource documents for affiliates and members.

State Grants to Close Achievement Gaps

One of the primary goals of NEA's work in this area is to secure state-level public policies and associated funding to close achievement gaps. Therefore, in 2005-06, we initiated a new grants program, NEA Grants to Close Achievement Gaps.

To date, 22 NEA state affiliates have received grants which they are using to help close achievement gaps by: a) securing statewide legislation; b) changing state regulations; c) modifying the scope or content of local contracts/negotiated agreements; and/or d) changing state affiliate policy, conducting research, building/enhancing coalitions, or conducting member-focused activities to position the affiliate for future statewide action to close achievement gaps. Key policy successes using grant funds include the following:

Illinois: Passed two pieces of legislation in 2005-06 that will enhance the skills of Illinois educators: A state-of-the-art teacher induction program that will serve teachers throughout the state; and a one-year, required coaching experience for new school principals.

Maine: Bargained a contract in the state's largest local, Portland Public Schools, that provides an alternative pay scale based on a professional development ladder and incentives for teachers to become more skilled in meeting the needs of the diverse learners.

Missouri: Embedded language in the state's professional development guidelines that encourages schools to create opportunities for schools to use their examination of student work to inform teaching, increase student achievement, and close achievement gaps.

New Mexico: Secured local contract language that requires the ongoing bargaining of professional and instructional issues throughout the contract year.

Nebraska: Passed a constitutional amendment that allows the use of the interest from the school lands trust fund, and triggers private endowment money, to pay for early childhood programs in public schools. This implements a policy success from the 2005-06 legislative session that established an early childhood endowment, which will now be funded.

Ohio: Passed legislation to establish school district committees that will develop local strategies for closing achievement gaps.

Oklahoma: Passed a state law that requires districts to focus professional development activities on closing achievement gaps.

In addition to these state grants, NEA's foundation (The National Foundation for the Improvement of Education) provides substantial funding to three local affiliates (Seattle, Chattanooga, and Milwaukee) to support their work in closing achievement gaps.

Policy Summits on Traditionally Underserved Students

NEA conducts annual educational summits on the educational status of traditionally underserved student groups. The summits invite practitioners, researchers, and community members to share research, examine best practices, and develop recommendations for policy, programs, and practice. NEA distributes summit proceedings and recommendations widely. Summit reports that are currently available on *www.achievementgaps.org* are:

- A Report on the Status of Hispanics in Education: Overcoming a History of Neglect
- Status of Asian Americans and Pacific Islanders in Education: Beyond the "Model Minority" Stereotype
- The Status of American Indians and Alaska Natives in Education

Key NEA Publications

- C.A.R.E.: Strategies for Closing the Achievement Gaps, a resource for classroom teachers and other educators, focuses on closing the gaps by examining research on working with culturally and linguistically diverse students. The guide looks at the research on cultural, language, and economic differences, as well as at unrecognized and undeveloped abilities, resilience, and effort and motivation. Copies may be downloaded at: *www.nea.org/teachexperience/careguide.html*
- Closing Achievement Gaps: An Association Guide, a resource for NEA's affiliates and leaders, provides them with research and information, tools, "success sto-

ries" of state and local affiliates engaged in the work of closing achievement gaps, and examples of policy, programs, and practice for closing achievement gaps. Copies may be downloaded at: *www.achievementgaps.org/nea/Associationguide.pdf*

Training for Leaders, Staff, and Members

NEA supports state affiliates that are developing teams of trainers who introduce members to the research and strategies in C.A.R.E.: Strategies for Closing the Achievement Gaps. Nineteen states currently have teams of trainers.

NEA also provides training and support for public engagement projects in which local educators and community stakeholders focus on what they can do to close achievement gaps and make sure that all students learn. In addition, NEA offers training to educators on how to build family, school, and community partnerships to close the achievement gaps.

APPENDIX II: PARTNERSHP FOR 21ST CENTURY SKILLS

Statement of principles

21st Century Skills and the Reauthorization of NCLB/ESEA

The Partnership believes that our organization's framework for 21st century skills is consistent with the metrics and accountability emphasized in the No Child Left Behind (NCLB) Act. As congress considers reauthorization of the Elementary and Secondary Education Act (ESEA), of which NCLB is the current version, we offer this set of principles to provide guidance for strengthening the Act in terms of its approach to accountability and integrating 21st century skills for today's students.

The Case for 21st Century Education:

The Partnership for 21St Century Skills, representing both business and education, believes success of US education in the 21st century depends upon student acquisition of 21st century skills because:

1. Education is changing. We can no longer claim that the US educational results are unparalleled. Students around the world outperform American students on assessments that measure 21st century skills. Today's teachers need better tools to address this growing problem.

2. Competition is changing internationally. Innovation and creativity no longer set U.S. education apart. Innovators around the world rival Americans in breakthroughs that fuel economic competitiveness.

3. The workplace, jobs, and skill demands are changing. Today every student, whether he/she plans to go directly into the workforce or on to a 4-year college or trade school, requires 21st century skills to succeed. We need to ensure that all students are qualified to succeed in work and life in this new global economy.

21st century skills are the skills students need to succeed in work, school, and life. They include:

1. Core subjects (as defined by NCLB)

2. 21st century content: global awareness; financial, economic, business and entrepreneurial literacy; civic literacy; and health and wellness awareness

3. Learning and thinking skills: critical thinking and problem solving skills, communications skills, creativity and innovation skills, collaboration skills, contextual learning skills and information and media literacy skills

4. Information and communications technology (ICT) literacy

5. Life skills: leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility

Principles Regarding NCLB

These principles are intended to provide guidance for strengthening NCLB's approach to accountability and integration of 21st century skills into classrooms.

Principle 1: Standards

Standards that reflect content mastery alone do not enable accountability and measurement of 21st century skills. And without a comprehensive, valid system of measurement, it is impossible to integrate these skills effectively into classroom instruction or monitor whether students have mastered the skills necessary for success in life and work today. The Partnership believes the Act should:

1. Include language related to the integration of 21st century skills into state standards of the three subjects already identified by the Act (math, reading, science.)

2. Incorporate "21st century skills" as part of the definition/description of "challenging academic content standards."

3. Funds should be provided to states for development of robust standards that incorporate 21st century skills into core subjects, as well as 21st century content areas not currently covered by federal testing.

4. States should be supported in collaborating with other states to develop 21st century standards.

5. States should be supported if they choose to strengthen their standards to improve their students' abilities to compete in the global economy.

Principle 2: Assessment

An expanded approach to assessment, involving measurements that assess 21st century skills, is necessary to ensure accountability of schools in the 21st century. Most K-12 assessments in widespread use today—whether they be of 21st century skills and content or of traditional core subject areas—measure a student's knowledge of discrete facts, not a student's ability to apply knowledge in complex situations. Standardized achievement assessments alone do not generate evidence of the skill sets that the business and education communities believe are necessary to ensure success in the 21st century. The Partnership recommends the following improvements to ESEA:

1. The assessment and accountability system should be based on multiple measures of students' abilities that include 21st century skills. In addition to statewide standardized assessments, such measures could include district level assessments, local school and classroom formative assessments, and other measures of student knowledge.

1. Assessment of 21st century skills should be listed as an integral part of the academic assessments in math, reading, and science.

2. Reporting requirements should be expanded to include information on whether the student is achieving 21st century skills.

3. Funds should be made available for pilot projects and test beds for the use of assessments that measure 21st century skill competencies in high school students.

4. Funds should be allocated for an international benchmarking project that allows U.S. high school students to be compared to their international peers in terms of competencies in 21st century skills.

Principle 3: Professional Development

Students cannot master 21st century skills unless their teachers are well trained and supported in this type of instruction. The Act should support professional development that prepares teachers and principals to integrate 21st century skills into their classrooms and schools. Specifically, the Partnership recommends that:

1. Funds should be allocated for professional development of 21st century skills and establishment of 21st Century Skills Teaching Academies.

2. Higher education institutions should be supported in identifying and disseminating the best practices for teaching and assessing 21st century skills

3. Higher education institutions should be encouraged to ensure that all pre-service teachers graduate prepared to employ 21st century teaching and assessment strategies in their classrooms.

Principle 4: Information and communications technology (ICT) literacy

ICT literacy is the ability to use technology to develop 21st century content, knowledge, and skills. Students must be able to use technology to help them learn content and skills—so that they know how to learn, think critically, solve problems, use information, communicate, innovate, and collaborate. The Partnership recommends that ESEA integrate ICT literacy in the following way:

1. Maintain and fund the Enhancing Education Through Technology State Grant program.

2. Transition the 8th grade technology literacy requirement into an ICT literacy requirement, so that the focus is not on technology competency, but the ability to use technology to perform critical thinking, problem solving, collaboration, communication and innovation skills.

Principle 5: Content

Twenty-first century content areas like global awareness, financial literacy, civic literacy, and health awareness are critical to student success in communities and workplaces, yet they typically are not emphasized in schools today. The Partnership believes the Act should:

1. Support the teaching of each of these content areas.

2. For global awareness in particular, support the teaching of multiple languages.

Principle 6: Research & Development

Targeted, sustained investment in research and development initiatives is required to promote 21st century skills and craft teaching practices and assessment approaches that more closely convey and measure what students need to excel in the 21st century. Therefore the Partnership recommends:

1. The Act should provide support for state research and development initiatives, within the state university system and/or possibly others, that will identify through scientifically-based research the best practices for teaching, attaining and measuring 21st century skills.

Principle 7: 21st Century Skills Definition

The Partnership recognizes that the term "21st century skills" is used in a variety of contexts. Therefore we recommend:

1. ESEA should contain a definition of "21st century skills" with a current description of the P21 framework as described earlier in this document.

APPENDIX III: ESEA—IT'S TIME FOR A CHANGE!

NEA's Positive Agenda for the ESEA Reauthorization: Executive Summary

This Executive Summary of the Positive Agenda highlights the recommendations contained in the full report. The full report, starting on page 8, provides the rationale and additional background for each recommendation.

Great Public Schools Criteria

All children have a basic right to a great public school. Our vision of what great public schools need and should provide acknowledges that the world is changing and public education is changing too. Meeting these Great Public Schools (GPS) criteria require not only the continued commitment of all educators, but the concerted efforts of policymakers at all levels of government. We believe these criteria will:

- Prepare all students for the future with 21st century skills
- Create enthusiasm for learning and engage all students in the classroom
- Close achievement gaps and raise achievement for all students
- Ensure that all educators have the resources and tools they need to get the job done

These criteria form a basis for NEA's priorities in offering Congress a framework for the 2007 reauthorization of the Elementary and Secondary Education Act (ESEA). The reauthorization process must involve all stakeholders, especially educators. Their knowledge and insights are key to developing sound policies.

- Quality programs and services that meet the full range of all children's needs so that they come to school every day ready and able to learn.

Students must have access to programs such as public school pre-K and kindergarten programs; afterschool enrichment and intervention programs; nutrition, including school breakfast and lunch programs; school-based health care and related services; counseling and mentoring programs for students and families; safe and efficient transportation; and safe and drug-free schools programs.

- High expectations and standards with a rigorous and comprehensive curriculum for all students.

All students should have access to a rigorous, comprehensive education that includes critical thinking, problem solving, high level communication and literacy skills, and a deep understanding of content. Curriculum must be aligned with standards and assessments, and should include more than what can be assessed on a paper and pencil multiple choice test.

- Quality conditions for teaching and lifelong learning.

Quality conditions for teaching and learning include smaller class sizes and optimal-sized learning communities; safe, healthy, modern, and orderly schools; up-to-date textbooks, technology, media centers, and materials; policies that encourage collaboration and shared decisionmaking among staff; and the providing of data in a timely manner with staff training in the use of data for decisionmaking.

- A qualified, caring, diverse, and stable workforce.

A qualified, caring, diverse, and stable workforce in our schools requires a pool of well prepared, highly skilled candidates for all vacancies; quality induction for new teachers with mentoring services from trained veteran teachers; opportunities for continual improvement and growth for all employees; working conditions in which they can be successful; and professional compensation and benefits.

- Shared responsibility for appropriate school accountability by stakeholders at all levels.

Appropriate accountability means using results to identify policies and programs that successfully improve student learning and to provide positive supports, includ-

ing resources for improvement and technical assistance to schools needing help. Schools, districts, states, and the federal government should be financially accountable to the public, with policymakers accountable to provide the resources needed to produce positive results. Accountability systems should be transparent so that policies are determined and communicated in an open, consistent, and timely manner.

• Parental, family, and community involvement and engagement.

Policies should assist and encourage parents, families, and communities to be actively involved and engaged in their public schools; require professional development programs for all educators to include the skills and knowledge needed for effective parental and community communication and engagement strategies; provide incentives or require employers to grant a reasonable amount of leave for parents to participate in their children's school activities.

• Adequate, equitable, and sustainable funding.

School funding systems must provide adequate, equitable and sustainable funding. Making taxes fair and eliminating inefficient and ineffective business subsidies are essential prerequisites to achieving adequacy, equity, and stability in school funding. ESEA programs should be fully funded at their authorized levels.

NEA's Priorities for ESEA Reauthorization

A great public school is a basic right of every child. NEA's priorities for the 2007 reauthorization of ESEA focus on a broad range of policies to ensure every child access to a great public school.

The current version of ESEA—the No Child Left Behind Act (NCLB)—is fundamentally flawed. It undermines existing state and school district structures and authority, and shifts public dollars to the private sector through supplemental educational services and takeovers of public schools by for-profit companies.

However, its stated goals—to improve student achievement and help close the achievement and skills gaps that exist in our country—are important to NEA and our society. We want to retain the positive provisions of ESEA, both those that existed prior to NCLB and those that were added by NCLB, in the 2007 reauthorization.

Congress must shift from the current focus that labels and punishes schools with a flawed one-size-fits-all accountability system and severely underfunded mandates to one that includes common-sense flexibility and supports educators in implementing programs that improve student learning, reward success, and provide meaningful assistance to schools most in need of help.

The following five priorities are crucial to realizing the goals of improving student achievement, closing the achievement gaps, and providing every child a quality teacher.

• Accountability That Rewards Success and Supports Educators to Help Students Learn

• Accountability should be based upon multiple measures of student learning and school success.

• States should have the flexibility to design systems that produce results, including deciding in which grades to administer annual statewide tests.

• States should have the flexibility to utilize growth models and other measures of progress that assess student achievement over time, and recognize improvement on all points of the achievement scale.

• Growth model results should be used as a guide to revise instructional practices and curriculum, to provide individual assistance to students, and to provide appropriate professional development to teachers and other educators. They should not be used to penalize schools or teachers.

• Assessment systems must be appropriate, valid, and reliable for all groups of students, including students with disabilities and English Language Learners, and provide for common-sense flexibility for assessing these student subgroups.

• States, school districts, and schools should actively involve teachers and other educators in the planning, development, implementation, and refinement of standards, curriculum, assessments, accountability, and improvement plans.

• Accountability systems and the ensuing use of the results must respect the rights of school employees under federal, state, or local law, and collective bargaining agreements.

• Accountability systems should provide support and assistance, including financial support for improvement and technical assistance to those schools needing help, with targeted assistance to those schools and districts most in need of improvement.

• Assessment and accountability systems should be closely aligned with high standards and classroom curricula, provide timely data to help improve student

learning, and be comprehensive and flexible so that they do not result in narrowing of the curricula.

• A federal grant program should be created to assist schools in ensuring all students access to a comprehensive curriculum.

• A comprehensive accountability system must appropriately apply to high schools without increasing dropout rates.

• Standards and assessments must incorporate the nature of work and civic life in the 21st century: high level thinking, learning, and global understanding skills, and sophisticated information, communication, and technology literacy competencies.

• Schools that fail to close achievement gaps after receiving additional financial resources, technical assistance, and other supports should be subject to supportive interventions.

• If certain elements of the current AYP system are maintained, specific flaws must be corrected. These corrections include: providing more than one year to implement improvement plans before subjecting schools or districts to additional sanctions; designating schools or districts as "in need of improvement" only when the same subgroup of students fails to make AYP in the same subject for at least two consecutive years; targeting school choice and supplemental educational services (SES) to the specific subgroups that fail to make AYP; providing SES prior to providing school choice; and ensuring that SES providers serve all eligible students and utilize only highly qualified teachers.

• Smaller Class Sizes To Improve Student Achievement

• Restore the Class Size Reduction program that existed prior to NCLB to provide an optimum class size of 15 students.

• Schools should receive federal support—through both direct grants and tax subsidies—for school modernization to accommodate smaller classes.

• Quality Educators in Every Classroom and School

• Provide states and school districts with the resources and technical assistance to create an effective program of professional development and professional accountability for all employees.

• Revise the ESEA Title II Teacher Quality State Grant program to ensure alignment of federally funded teacher professional development with the National Staff Development Council (NSDC) standards.

• Provide federally funded salary enhancements for teachers who achieve National Board Certification, with a smaller salary incentive for teachers who complete this rigorous process and receive a score, but do not achieve certification.

• Create a grant program that provides additional compensation for teachers with specific knowledge and skills who take on new roles to assist their colleagues.

• Expand opportunities for education support professionals to broaden and enhance their skills and knowledge, including compensation for taking additional courses or doing course work for advanced degrees.

• Provide federal grants that encourage districts and schools to assist new teachers by pairing them with an experienced mentor teacher in a shared classroom.

• Provide financial incentives—both direct federal subsidies and tax credits—for retention, relocation, and housing for teachers and support professionals who work in schools identified as "in need of improvement" or high-poverty schools, and stay in such schools for at least five years.

• Provide hard-to-staff schools with an adequate number of well trained administrators and support professionals, including paraeducators, counselors, social workers, school nurses, psychologists, and clerical support.

• Provide paraeducators who are involuntarily transferred to a Title I school and who have not met the highly qualified standard with adequate time to meet the requirement.

• Grant reciprocity for paraeducators who meet the highly qualified standard when they move to another state or district, with different qualifications.

• Revise the definition of highly qualified teachers to recognize state licensure/certification, eliminate nonessential requirements that create unnecessary obstacles, and eliminate loopholes in the scope of coverage.

• Provide teachers who may not meet the highly qualified standard by the current deadlines, due to significant implementation problems, with assistance and additional time to meet the requirement.

• Students and Schools Supported By Active and Engaged Parents, Families, and Communities

• Provide programs that encourage school-parent compacts, signed by parents, that provide a clearly defined list of parental expectations and opportunities.

• Provide programs and resources to assist in making schools the hub of the community.

• Expand funding for the Parent Information and Resource Centers (PIRC) program in ESEA.
• Include as a requirement for professional development programs funded through ESEA, training in the skills and knowledge needed for effective parental and family communication and engagement strategies.
• Provide incentives or require employers to provide parents a reasonable amount of leave to participate in their children's school activities.
• Resources to Ensure a Great Public School for Every Child
• Fully fund ESEA programs at their authorized levels.
• Enforce Sec. 9527(a) of NCLB, which prevents the federal government from requiring states and school districts to spend their own funds—beyond what they receive from the federal government—to implement federal mandates.
• Protect essential ESEA programs by:
• Providing a separate ESEA funding stream for school improvement programs to assist districts and schools
• Providing adequate funding to develop and improve assessments that measure higher order thinking skills
• Establishing a trigger whereby any consequences facing schools falling short of the new accountability system are implemented only when Title I is funded at its authorized level
• Providing a separate ESEA funding stream for supplemental education services and school choice, if these mandates remain in the law
• Providing adequate funding to develop and improve appropriate assessments for students with disabilities and English Language Learner students
• Providing technical assistance to schools to help them use money more effectively
• Providing adequate funding to assist state and local education agencies in administering assessments, and collecting and interpreting data in a timely manner so it can be useful to educators
• Important children's and education programs outside of ESEA, including child nutrition, Head Start, IDEA, children's health, child care, and related programs, must be adequately funded.

NEA's Positive Agenda for the ESEA Reauthorization

PART ONE: Great Public Schools Criteria

All children have a basic right to a great public school. Our vision of what great public schools need and should provide acknowledges that the world is changing and public education is changing too. Fulfilling these Great Public Schools (GPS) criteria require not only the continued commitment of all educators, but the concerted efforts of policymakers at all levels of government. We believe these criteria will:
• Prepare all students for the future with 21st century skills
• Create enthusiasm for learning and engaging all students in the classroom
• Close achievement gaps and increase achievement for all students
• Ensure that all educators have the resources and tools they need to get the job done

These criteria form a basis for NEA's priorities in offering Congress a framework for the 2007 reauthorization of the Elementary and Secondary Education Act. The reauthorization process must involve all stakeholders, especially educators. Genuine involvement taps a breadth of knowledge, insights, and experiences that form the basis of sound educational programs and fosters commitment and success.
• Quality programs and services that meet the full range of all children's needs so that they come to school every day ready and able to learn.
• High expectations and standards with a rigorous and comprehensive curriculum for all students.
• Quality conditions for teaching and lifelong learning.
• A qualified, caring, diverse, and stable workforce.
• Shared responsibility for appropriate school accountability by stakeholders at all levels.
• Parental, family, and community involvement and engagement.
• Adequate, equitable, and sustainable funding.

The Details of the Great Public Schools Criteria

• Quality programs and services that meet the full range of all children's needs so that they come to school every day ready and able to learn.

Children need a broad array of programs so they are ready to learn every day they are in school. Students must have access to programs such as public school pre-K and kindergarten; afterschool enrichment and intervention; nutrition, including school breakfast and lunch; school-based health care and related services; counseling

and mentoring for students and families; safe and efficient transportation; and safe and drug-free schools.

Brief descriptions of each area follow:

Preschool

Numerous studies have shown that high quality early care experiences, both classroom practices and teacher-child relationship, enhance children's abilities to take advantage of the learning opportunities in school.

A recent study by the National Academy of Sciences notes that much of the human brain develops in the first five years of life and a stimulating environment during this stage changes the very physiology of the brain. High quality early care leads to the development of more advanced learning skills in language and math, as well as social skills.

NEA supports polices and resources for quality, voluntary, universal preschool and pre-K programs that provide a safe environment, well prepared teachers, small class size, interactive relationships among teachers and children, emphasis in both social and learning skills, and that involve parents.

Kindergarten

Kindergarten is a year of transition from home and early childhood education programs to formal school programs. At least a half-day of kindergarten is a near-universal experience for American children, with nearly 98 percent of youngsters attending, Some children have access to full-day, half-day, and alternate-day programs while others have access to only one of these options. Recent research has shown that children who attend full-day kindergarten are better prepared to succeed in the first grade and beyond.

NEA supports policies and resources that provide high quality full-day kindergarten programs for all children.

Afterschool

Afterschool hours are the peak time for juvenile crime and risky behaviors such as alcohol and drug use. Most experts agree that afterschool programs offer a healthy and positive alternative. These programs keep kids safe, improve academic achievement and help relieve the stresses on today's working families. They can serve as important youth violence prevention and intervention strategies. Yet, every day, at least eight million children and youth are left alone and unsupervised once the school bell rings at the end of the school day.

NEA supports policies and resources to ensure all children and youth access to high quality afterschool programs that both provide a safe environment and help improve student learning.

Nutrition

While the National School Lunch program provides nutritionally balanced, low-cost, or free lunches to more than 28 million children each school day, too many schoolchildren still lack access to a hot breakfast or other adequate nutrition. Malnourished children have impaired concentration and greater challenges in learning. In addition, improving the nutritional quality of school lunches and other meals can promote healthy eating habits in children.

NEA supports expanding child nutrition programs and enhancing their nutritional quality to ensure that all children have access to healthy, nutritious meals at school.

Health Needs

In response to a need for student health services, a number of communities have established school-based health centers (SBHCs). The more than 1,000 SBHCs nationwide are popular as providers of affordable, convenient, confidential, and comprehensive services at the school. These programs overcome barriers that discourage adolescents from utilizing health services (such as lack of confidentiality, inconvenient appointment times, prohibitive costs, and general apprehension about discussing personal health problems). Unfortunately too many children, especially children from low-income families, lack access to such services.

NEA supports policies and resources that enable communities to expand the number and the quality of school-based health centers so that all children have access to medical care, counseling, health education, and preventive services provided in a familiar and "teen-friendly" setting on or near school grounds. Such services should be provided by health professionals who are experienced and trained to work with adolescents.

Counseling

Counseling programs staffed by professional school counselors, school psychologists, and school social workers help all students in the areas of student learning, personal/social development and career development, ensuring that students become productive, well-adjusted adults. Effective counseling programs are important to the school climate and in improving student achievement. Too often, however, these professionals have unreasonable caseloads, but counselors are expected to attend to the individual needs of students. In addition, many counselors are serving as testing coordinators, diverting their time away from meeting students' needs. The American School Counselor Association recommends a counselor-to-student ratio of 1:250; the National Association of School Psychologists recommends a school psychologist-to-student ratio of 1:1,000; and the School Social Work Association of America recommends a social worker-to-student ratio of 1:400 for an effective program.

NEA supports policies and resources to states and school districts enabling them to achieve this important goal.

Mentoring Programs

Mentoring programs for students are an important resource for students and their parents or guardians. Parents are the most important influence on their children's lives. But parents often need help. Mentoring offers parents the support of a caring one-to-one relationship that fosters their child's healthy growth.

Mentoring programs have been shown to contribute to better attitudes toward school, better school attendance, and a better chance of going on to higher education. They also show promise in preventing substance abuse and appear to reduce other negative youth behaviors.

NEA supports policies and resources to expand programs, such as the mentoring program in Title IV of ESEA to provide mentoring services to all students who would benefit.

Transportation

Every school day, millions of parents and their children rely on the "yellow" school bus to provide safe and dependable transportation to and from school and school-related activities. In fact, according to the National Safety Council, school buses are the safest form of ground transportation—40 times safer than the family car.

Most states, except for the transportation of students with special needs, have no mandate to provide students with transportation to or from school. Even in states where transportation of students to and from school is required by law, distances set forth in the law fail to take account of hazardous pedestrian crossings, and funding shortfalls create problems in maintaining an adequate school transportation program.

As a result of budget constraints, many schools are seeking alternative transportation services for students. NEA agrees with the National Association of State Directors of Pupil Transportation Services that the safest way to transport children to and from school and school-related activities is in a school bus.

NEA supports policies and resources that ensure all students have access to needed transportation in safe and modern school buses, and that all buses be provided with radios to ensure communication between drivers, schools, and other authorities in case of emergencies.

School Climate

A positive school climate encourages positive behaviors with rewards for meeting expectations and clear consequences for violating rules. Research shows that schools with a positive and welcoming school climate increase the likelihood that students succeed academically, while protecting them from engaging in high risk behaviors like substance abuse, sexual activities, and violence.

Most students and teachers report feeling safe in their schools, yet a 2002 study of school safety revealed that about one-fourth would avoid a specific place at school out of fear that someone might hurt or bully them. More than one-quarter (27%) of teachers in middle and high schools reported that the behavior of some students kept them from instructional activities during significant amounts of the school day.

NEA supports policies and resources, including safe and drug-free schools programs, to assist all schools in creating and maintaining safe and disciplined school sites.

• High expectations and standards with a rigorous and comprehensive curriculum for all students.

NEA supports policies and resources to ensure all students access to a rigorous, comprehensive education. A rigorous curriculum, as defined by NEA, means that critical thinking, problem solving, and high level communication and literacy skills

are included, as well as deep understandings of content. Rigor includes life skills and dispositions that support lifelong learning, such as persistence and thoroughness. Rigor does not mean simply a certain number of courses, more difficult courses, more time in class, or more test preparation.

NEA is not alone in calling for a broader definition of rigor. The Partnership for 21st Century Skills, a broad-based coalition of education organizations and major businesses states: "Rigor must reflect all the results that matter for all high school graduates today. Today's graduates need to be critical thinkers, problem solvers and effective communicators, who are proficient in both core subjects and new, 21st century content and skills."

A comprehensive curriculum includes social skills, arts, health, physical education, a range of content understandings, and opportunities to practice and develop creative and divergent thinking.

The curriculum must be aligned with standards and assessments, and should include more than what can be assessed on a paper and pencil multiple choice test.

NEA continues to advocate the use of a variety of assessments aligned to the standards and appropriate to the purposes for which they are used. Assessment systems should include classroom assessments and multiple measures rather than a single standardized test. Increasingly, both educational researchers and the corporate world are concerned that teaching, focused on what is most conveniently tested, limits our students' ability to succeed in school and life, and threatens our nation's competitiveness globally.

Students held to high expectations need access to instructional systems, strategies, and programs that enable them to be successful learners. Teachers need flexibility in programs and a range of materials and tools to support their work in recognizing and addressing the diversity of students, and to enable them to reach all students.

• Quality conditions for teaching and lifelong learning.

Quality conditions of teaching and learning include smaller class sizes; optimal-sized learning communities so that students can receive individualized attention; safe, healthy, modern, and orderly schools; up-to-date textbooks, technology, media centers, and materials; policies that encourage collaboration among staff, with increased planning time and shared decisionmaking; and the providing of data in a timely manner, with staff training in the use of data for decisionmaking about student instructional plans, educational programs, and resource allocations.

Class size has a direct impact on student achievement. The preponderance of research evidence indicates that achievement increases as class size is reduced. Smaller classes allow more time for teaching and more individualized attention for students. Studies have shown that smaller class size provides lasting benefits, especially for minority and low-income students, and for students with exceptional needs. Students in smaller classes in the early grades (such as K-3) continue to reap academic benefits through middle and high school.

NEA supports policies and resources to achieve a maximum class size of 15 students in regular programs, and a proportionately lower number in programs for students with exceptional needs, including children with disabilities and English Language Learners.

• A qualified, caring, diverse, and stable workforce.

NEA believes all newly hired teachers must have received strong preparation in both content and how to teach that content to children.

A qualified, caring, diverse, and stable workforce in our schools requires a pool of well prepared, highly skilled candidates for all vacancies, and high quality opportunities for continual improvement and growth for all employees.

The federal government should fund programs that provide financial incentives for qualified individuals to enter the teaching profession, and for collaboratives between school districts, teacher unions and institutions of higher education for the development of programs that would facilitate the recruitment and retention of a qualified diverse group of teacher candidates.

All newly hired teachers should receive quality induction and mentoring services from trained veteran teachers, to ensure a successful experience in the first years and decrease the turnover of new teachers.

Veteran classroom teachers must be intimately involved in every phase of the training and preparation of teacher candidates. A high quality professional development program, designed by school-based practitioners and supported by higher education faculty, should be a right of all teachers and other educators, including paraeducators, pupil support personnel, and administrators. High quality and effective professional development should follow the guidelines and standards of the National Staff Development Council.

Additionally, there should be effective processes in place to identify and train teachers as leaders, so they can lead school improvement efforts, create collaborative teacher communities, and build momentum for change among their colleagues.

Peer assistance should be available to help struggling teachers improve professional practice, retain promising teachers, and build professional knowledge to improve student success.

To attract, retain, and support the highest quality teachers, paraeducators, and other school employees, schools must have a healthy environment, supportive climate, and working conditions that support success, and provide professional compensation and benefits.

Too many teachers leave the profession because of poor working conditions. All educators—teachers, paraeducators, and others—should have appropriate workloads/caseloads that enable them to provide the individual attention their students' diverse needs require. Additionally, programs should promote teacher collaboration and empowerment, and foster effective principal leadership.

• Shared responsibility for appropriate school accountability by stakeholders at all levels.

States and schools are accountable in how they educate children. Flawed accountability systems are destructive. Sound school accountability systems must be effective and fair; ensure high levels of student achievement, excellent teacher practices and continual improvement; be based on multiple measures of success; use multiple assessment tools and sources of data; reflect growth over time; and be appropriate, valid, and reliable for all groups of students, including students with disabilities and English Language Learners.

Accountability results should be used to identify policies and programs that successfully improve student learning; surface and diagnose problem areas; and, provide positive supports, including resources for improvement and technical assistance to schools needing help.

Teachers, other educators, and parents should have an active role in the development, implementation, and evaluation of accountability systems at all levels. Policymaking should incorporate existing processes, including collective bargaining. Improvements in instruction and quality can be better accomplished through bargaining and other forms of collective joint decisionmaking.

We support financial accountability to the public from schools, districts, states, and the federal government, as well as accountability from policymakers to provide the resources needed for positive results.

Finally, we propose a transparent accountability system for policymakers so that policies are determined and communicated in a consistent and timely manner.

Too often, especially at the federal level, how and why decisions affecting states and school districts are made is unclear. Critical policy decisions are often not made in a timely manner, and once decided are not always made public or readily available.

• Parental, family, and community involvement and engagement.

NEA supports policies to assist and encourage parents, families, and communities to be actively involved and engaged in their public schools.

Research demonstrates that family education programs help to enhance the likelihood of parental involvement. For example, programs that illustrate to parents their role in helping their children learn to read encourage early and sustained literacy. In addition, for parents who are unfamiliar with the educational system in the United States, parental education helps to enhance their understanding of what is expected of them and their children in our public schools, how to access assistance, and how to become engaged in their children's schools.

Using schools as a community hub brings together public and private organizations to offer a range of services, assistance, and opportunities that strengthen and support schools, communities, families, and students—before, during, and after school.

We support policies and resources to expand and improve such community schools.

Positive relationships between families, communities, and schools are of central importance to students' success. Educators need opportunities to build the skills needed to cultivate these relationships.

NEA supports policies encouraging the building of skills and knowledge needed for effective parental and community communication and engagement strategies in professional development programs for all educators.

Time and availability are two obvious challenges to parental involvement. Employers should receive incentives or be required by policymakers to allow parents to take a reasonable amount of leave to participate in their children's school activities.

In addition, many parents have strong needs for leadership, communication, and decisionmaking skills. Employer and community-based organizations often have skill-building resources that can be tapped to help teach such skills to employees. Employers would see that engaged and knowledgeable parents are an asset to public education and be reminded that quality public education is an asset to business.

• Adequate, equitable, and sustainable funding.

Schools must have the necessary resources to fulfill their broad and growing responsibilities in a changing and increasingly complex society.

Schools are held accountable for helping students to meet federal and state standards, while also fulfilling myriad other requirements and expectations placed on them by policymakers. To ensure that the necessary resources are available when and where needed, school funding systems must provide adequate, equitable and sustainable funding.

Adequate funding, at the very minimum, is the level of resources needed to ensure that all students have a realistic opportunity to meet federal and state performance standards, taking into account the varied needs of different types of students. "Adequacy" requires a determination of the appropriate amount of resources needed to meet all students' needs to obtain a quality education.

NEA supports fully funding ESEA programs at their authorized levels, to ensure that states and schools have adequate funding for the programs and services needed to help close achievement gaps and improve student learning for all.

While less than 10 percent of overall funding for K-12 public education comes from the federal government, ESEA funding for urban, rural, and other school districts with concentrated poverty and hard-to-staff schools that rely heavily on these supplemental federal funds, is especially crucial.

School funding that is merely adequate in the aggregate is insufficient. School funding formulas must also be equitable for both students and taxpayers. For students, equitable funding means that the quality of their education is not dependent on the wealth of the school district where a child lives and attends school. For taxpayers, equity in school funding means that the tax effort across all districts should be equal to produce the same level of funding. ESEA's Title I program has built into its funding formulas incentives for states to increase their education funding effort and steer funds to where they are needed the most. Adequacy and equity can be accomplished with additional incentives to states and districts to reduce financial disparities.

To function efficiently, while also meeting the increased demands being placed on them, schools need funding streams that are stable and sustainable. Year-to-year fluctuations in available resources and last-minute uncertainties hamper school districts' efforts to plan, to hire, and to retain highly qualified and experienced educators, to keep class sizes small, and to provide other essential resources, ranging from curriculum materials to transportation.

Making taxes fair and eliminating inefficient and ineffective business subsidies are essential prerequisites to achieving adequacy, equity, and stability in school funding.

More than 90 percent of funding for public schools comes from state and local governments. Ultimately the most important questions regarding funding for schools are decided at the state and local levels. The best way to maintain America's competitive edge in this global, knowledge-based economy is to invest in our ability to produce and manage knowledge. That means investing in education. Economic models show clearly that, dollar for dollar, investing in public education increases the economy more than equal amounts of tax cuts and subsidies. To date, however, too many lawmakers and policymakers believe that tax cuts and development subsidies are the best way to step-up the economy. Thus we see state tax structures that are increasingly regressive and that produce structural deficits. Similarly, state economic development policies too often emphasize inefficient and ineffective corporate subsidies. Together, these undermine state and local capacity to invest adequately in public education. Should these trends continue, America's competitive edge in the global, knowledge-based economy will continue to erode.

PART TWO: NEA's Priorities for ESEA Reauthorization

A GREAT PUBLIC SCHOOL IS A BASIC RIGHT OF EVERY CHILD

NEA's priorities for the 2007 reauthorization of ESEA focus on a broad range of policies, as articulated in this report, to ensure every child access to a great public school.

ESEA, originally passed on April 9, 1965, was a key component of the "War on Poverty" launched by President Lyndon Johnson. Title I provided resources to meet the needs of educationally deprived children through compensatory education pro-

grams for the poor. President Johnson said it would help "five million children of poor families overcome their greatest barrier to progress: poverty."

The original ESEA was authorized through 1970. Congress has since rewritten—or reauthorized—this landmark law eight times. The No Child Left Behind Act (NCLB) of 2001 is the most recent version. Since the law's inception in 1965, NEA has strongly supported ESEA and its programs: Title I; professional development; afterschool; safe and drug-free schools; bilingual education; and others.

The 1994 ESEA reauthorization—called the Improving America's Schools Act (IASA)—shifted the focus of Title I from providing financial support to schools with high concentrations of children in poverty, to standards-based reform. (For a more detailed history of ESEA see Appendix A.)

The current version of ESEA—the No Child Left Behind Act (NCLB)—is fundamentally flawed. It undermines existing state and school district structures and authority, and shifts public dollars to the private sector through supplemental educational services and takeovers of public schools by for-profit companies.

However, its stated goals—to improve student achievement and help close the achievement and skills gaps which exist in our country—are important to NEA and our society. NCLB represents a fundamental shift in ESEA that greatly expanded the federal role in education. The 1994 ESEA required all states to develop content and performance standards in reading and math and to measure the progress of student achievement in Title I schools through adequate yearly progress reports. NCLB, however, expanded the law's requirements to all schools, regardless of whether they received federal funds, and thus affects every public school in America.

It dictates to states how they measure student achievement and the timelines they must use; establishes the requirement that 100 percent of all students be proficient in reading and math by the 2013—14 school year; mandates certain consequences or sanctions for failure to meet AYP; and for the first time, requires that both teachers and paraeducators meet a federally defined standard of highly qualified. Under Title I alone, it establishes 588 federal requirements for states and schools.

The law's principal flaws revolve around its one-size-fits-all system for measuring student achievement and school system success, and its rigid definitions of highly qualified teachers and paraprofessionals. Further, the law is incomplete because it fails to provide the additional tools and supports educators and students need to accomplish the law's stated goals of improving student achievement and closing the achievement gaps. To address the law's stated goals, Congress must: 1) substantially improve the measurement system for adequate yearly progress to reduce reliance on statewide paper and pencil tests and to recognize growth and progress over time; and 2) provide states, schools, and students with programs and resources to support their work in improving the level and quality of all students' skills and knowledge.

We want to retain the positive provisions of ESEA—both those that existed prior to NCLB and those that were added by NCLB—in the 2007 reauthorization. These positive provisions include: targeting funds in both Title I and other programs to schools with the highest concentrations of students in poverty; an increased focus on closing achievement gaps through disaggregated student achievement data; grants for school improvement; strengthened rights of homeless children to access public education; protection of school employees' rights during school improvement, corrective action, or restructuring; strengthened parental involvement requirements in Title I; requirements for high quality professional development for teachers; help for small, high-poverty rural schools; and programs for dropout prevention, math-science education, safe and drug-free schools, mentoring, school counseling, and school libraries. Unfortunately, while written into the law, virtually all of these programs are severely underfunded.

Congress must shift from the current focus, that labels and punishes schools with a flawed one-size-fits-all accountability system and severely underfunded mandates to one that includes common-sense flexibility and supports educators in implementing programs that improve student learning, reward success, and provide meaningful assistance to schools most in need of help.

The following five priorities are crucial to realizing the goals of improving student achievement, closing the achievement gaps, and providing every child a quality teacher.

- Accountability That Rewards Success And Supports Educators To Help Students Learn
- Smaller Class Sizes To Improve Student Achievement
- Quality Educators In Every Classroom And School

• Students And Schools Supported By Active And Engaged Parents, Families, And Communities

• Resources To Ensure A Great Public School For Every Child

A growing chorus of voices is calling for corrections to this law. An alliance of 75 national organizations—including the NAACP, the Children's Defense Fund, the American Association of School Administrators, the National Council of Churches, the League of United Latin American Citizens (LULAC), and the Council for Exceptional Children—representing education, civil rights, special education, various religions, children, and citizens have joined together through the Forum on Educational Accountability in proposing 14 specific changes to the law. Other education groups that have issued policy proposals for amendments to the law include the National School Boards Association, the American Federation of Teachers, and the National Association of Secondary School Principals.

The National Governors Association (NGA) in March 2006 issued its proposals for change. The NGA statement notes that, "Maximum flexibility in designing state accountability systems, including testing, is critical to preserve the amalgamation of federal funding, local control of education, and state responsibility for system-wide reform."

The National Conference of State Legislatures in February 2005 issued a report calling on Congress to make substantial changes to the law. The report states:

"Administrators at the state, local and school levels are overwhelmed by AYP because it holds schools to overly prescriptive expectations, does not acknowledge differences in individual performance, does not recognize significant academic progress because it relies on absolute achievement targets, and inappropriately increases the likelihood of failure for diverse schools."

I. Accountability That Rewards Success and Supports Educators To Help Students Learn

The current Adequate Yearly Progress (AYP) model is a fundamentally flawed system that fails to accurately measure student learning and school success. Schools are held accountable based solely on a one-day snapshot of student performance on a standardized reading test and a standardized math test.

The law's AYP model uses overly narrow measures and contains unrealistic timelines for school improvement. It results in improperly labeling many schools as low-performing and imposing punishments on them. AYP holds all schools accountable based solely on how many students reach a specific point on the achievement scale on one standardized test in each of two subjects—reading and math.

It fails to account for a school's results in improving student achievement over time. Instead of measuring each individual student's growth over time, it compares, for example, the snapshot of test scores for this year's fourth-grade class to the snapshot of test scores for last year's fourth-grade class, a different group of students with different strengths and different weaknesses.

It fails to recognize that all children can learn, but all children do not learn at the same rate. It fails to include fair, valid, and reliable measures for students with special needs, including students with disabilities and English Language Learners. It fails to differentiate between those schools that are truly struggling to close achievement gaps and those that fall short on only one of 37 federally mandated criteria. Finally, it fails to include a comprehensive set of measures for school quality and student learning, focusing only on one statewide standardized test in two subjects.

Consequently, it overidentifies thousands of schools as low-performing. Several studies project that well over 90 percent of public schools will eventually fail to meet federal standards and be subjected to severe sanctions. This overidentification hampers efforts to target limited resources to the neediest schools and students. Further, the focus on overidentification and accompanying sanctions diverts attention from assistance to states, districts, and schools that need to develop systemic improvement plans. Finally, NCLB's mandated sanctions are not research-based, divert money away from classroom services, and generally have not improved student achievement.

NEA supports the following policies that would meet the Great Public Schools criteria for stakeholders at all levels to share appropriate accountability and for high expectations and standards with a rigorous and comprehensive curriculum for all students:

School accountability should be a measurement beyond just scores on statewide assessments.

Accountability systems should be based upon multiple measures, including: local assessments, teacher-designed classroom assessments collected over time, portfolios and other measures of student learning, graduation/dropout rates, in-grade reten-

tion, percent of students taking honors/advanced classes and Advanced Placement exams, and college enrollment rates. States should have the flexibility to design systems that produce results, including deciding in which grades to administer annual statewide tests, rather than being subject to a rigid federal one-size-fits-all system.

An improved accountability system should allow states the flexibility to utilize growth models and other measures of progress that assess student learning over time, and recognize improvement on all points of the achievement scale. Growth models should use measurement results as a guide to revise instructional practices and curriculum, to provide individual assistance to students, and to provide appropriate professional development to teachers and other educators. They should not be used to penalize teachers or schools.

NEA is working with the Forum on Educational Accountability and a panel of experts in assessment to develop in greater detail models of effective systems that utilize multiple measures and growth models.

Assessment systems must be appropriate, valid, and reliable for all groups of students, including students with disabilities and English Language Learners.

Appropriate systems provide for common-sense flexibility in assessing these student subgroups, including more closely aligning ESEA assessment requirements with students' Individualized Education Programs (IEPs) under IDEA, and eliminating arbitrary federal limits on the number of students who may be given assessments based on alternate or modified achievement standards. For ELL students, we propose exempting from AYP their scores on reading and math tests not given in their native language for at least their first two years in the United States, while continuing to require that their progress in reaching English language proficiency be measured through annual assessments.

Policies should ensure that states, school districts, and schools actively involve teachers and other educators in the planning, development, implementation, and refinement of standards, curriculum, assessments, accountability, and improvement plans. Their training and experience represent a valuable resource in designing programs that work for students. Accountability systems and the use of the ensuing results must also respect the rights of school employees under federal, state, or local law, and collective bargaining agreements.

Accountability systems should provide support and assistance, including financial support for improvement and technical assistance to schools needing help, target assistance to schools and districts most in need of improvement, and provide realistic timelines for making improvements.

In addition, accountability systems must be sensitive to the specific needs of rural and urban schools.

Assessment and accountability systems should be closely aligned with high standards and classroom curricula, provide timely data to guide teaching strategies and help improve student learning, and be comprehensive and flexible so that they do not result in narrowing of the curricula.

As a result of the growing emphasis on achieving AYP and the need to reallocate resources toward accomplishing that, many school districts have de-emphasized and even eliminated courses in the liberal arts, humanities, and performing arts. We deplore this tendency that limits a child. These subjects create the appropriate context to develop the whole child. Redefining the art of teaching so narrowly significantly reduces creativity and critical thinking and diminishes a child's enthusiasm and motivation to explore and to learn.

NEA advocates the creation of a federal grant program to assist schools in ensuring all students access to a comprehensive curriculum that provides a broad range of subjects and deep knowledge in each subject. Students in high-poverty schools must not be limited to an instructional program that is narrowly focused on basic skills, as is happening too often under NCLB.

A comprehensive accountability system must appropriately apply to high schools without increasing dropout rates. High schools need programs and resources for adolescent literacy, dropout prevention, counseling, smaller learning communities, and expansion of AP and IB courses if they are to meet the diverse needs of all of their students. In order to measure high school graduation rates meaningfully, all states and school districts should report such data on a disaggregated basis, using the definition proposed by the National Governors Association and supported by many groups, including NEA.

Standards and assessments must incorporate the nature of work and civic life in the 21st century: high-level thinking, learning, and global understanding skills, as well as sophisticated information, communication, and technology literacy competencies.

Corporate America is telling us that a total focus on the most basic of skills is threatening our education system and our economic viability. Meaningfully assess-

ing 21st century skills will require tests that measure higher-order thinking and problem solving, utilizing more than multiple choice questions. Too often we are holding students to obsolete standards that don't reflect contemporary challenges.

If a school, after receiving additional financial assistance, technical assistance and other supports, fails to demonstrate that it is closing the achievement gaps, supportive interventions need to occur.

The most successful learning strategies are grounded on advice and coaching. School improvement teams, which include teachers and other educators from similar schools that have been successful, can function as mentors and examples. These teams should provide assistance based on the fact that profound, long-term, and sustained improvement of schools is the result of efforts that recognize essential principles:

- Incentives are better than mandates in producing change.
- Increased student achievement should encompass more than just increased test scores. It should also reflect deep and broad learning.
- Teachers must play a central role in school reform efforts because of their first-hand knowledge of their students and how their schools work.
- Rather than starting from scratch in reinventing schools, it makes most sense to graft thoughtful reforms onto what is healthy in the present system.

NEA is proposing a new and improved system of accountability. If certain elements of the current AYP system are maintained, specific flaws must be corrected. Necessary corrections include: providing more than one year to implement improvement plans before subjecting schools or districts to additional sanctions; designating schools or districts as "in need of improvement" only when the same subgroup of students fails to make AYP in the same subject for at least two consecutive years; targeting school choice and supplemental educational services (SES) to the specific subgroups that fail to make AYP; allowing schools to provide SES prior to providing school choice; and improving the quality of supplemental education services, ensuring that SES providers serve all eligible students and utilize only highly qualified teachers.

II. Smaller Class Sizes To Improve Student Achievement

Smaller class size is a key element to achieving the Great Public Schools criterion of quality conditions for teaching and lifelong learning.

The classroom is the nexus of student learning and class size has a direct impact on student achievement. Smaller classes allow more time for teaching and more individualized attention for students. The preponderance of research evidence indicates that learning increases as class size is reduced, especially in the early grades. Studies have shown that smaller class size provides lasting benefits for students, especially for minority and low-income students, and for students with exceptional needs. Even in the upper grades teachers can be more successful in increasing student learning when they can provide more individualized attention.

NEA recommends an optimum class size of 15 students in regular programs, especially in the early grades, and a proportionately lower number in programs for students with exceptional needs including children with disabilities and English Language Learners.

Fewer than 15 students is an optimal class size, especially in kindergarten (K) and grade 1. Researchers have documented benefits from class size of 15—18 students in K and of fewer than 20 students in grades 1—3. Students in smaller classes in the early grades (such as K-3) continue to reap academic benefits through middle and high school, especially if they are minority or low-income students.

NEA supports restoring the Class Size Reduction program that existed prior to NCLB.

Closing the achievement gaps requires that teachers have more opportunities to work with students who need greater assistance. ESEA should provide a dedicated funding stream to complete the job of hiring 100,000 highly qualified teachers to reduce class size.

An innovative way to ensure that students receive more individualized assistance is pairing two teachers in the same classroom. This strategy is discussed in more detail in the next section.

We support a combination of federal programs—through both direct grants and tax subsidies to states and school districts—for school modernization to accommodate smaller classes.

III. Quality Educators In Every Classroom and School

A growing body of research confirms what school-based personnel have known—that the skills and knowledge of teachers and support professionals are the greatest

factor in how well students learn. The credibility of each and every educator is damaged when one of us is unprofessional or unprepared.

Our proposals would help meet the Great Public Schools criteria of quality conditions for teaching and lifelong learning; and a qualified, caring, diverse, and stable workforce.

Our policies are focused on maximizing the knowledge, skills, and abilities of school-based personnel, creating the conditions to allow educators to do their best work, and making sure that the right people are in the right place to meet the needs of all students. In addition to teachers, many other educators and school staff, including paraeducators, administrators, counselors, school nurses, librarians and media specialists, bus drivers, food service workers, school maintenance staff, security personnel, and secretaries all play an important role in improving student learning by meeting the educational and other needs of students.

Our specific proposals for increasing the knowledge and skills of teachers are focused on professional development and on National Board Certification. Federal policy should be directed toward providing states and school districts with the resources and technical assistance to create an effective program of professional development and professional accountability for all employees. Effective professional development should promote continuing growth. It should create opportunities to acquire new knowledge and apply the best pedagogical practices consistent with the school's goals.

Specifically, we propose revision of the ESEA Title II—Teacher Quality State Grant program—by refining the program criteria and ensuring alignment of federally funded teacher professional development with the National Staff Development Council (NSDC) standards. We also propose federally funded salary enhancements for teachers who achieve National Board Certification, with a smaller salary incentive for teachers who complete this rigorous process and receive a score, but do not achieve certification.

Our second set of proposals is focused on creating the conditions in which teachers and education support professionals can apply their knowledge and skills most effectively to help children learn.

We propose a grant program to states willing to encourage skills- and knowledge-based staffing arrangements in schools. This program should encourage collaboration between the school administration and the local organization representing teachers and other educators, as well as increased collaboration among teachers and between teachers and other education staff, to promote innovation in the way teachers' and support professionals' roles and responsibilities are defined. The development and implementation of such programs must respect existing collective bargaining agreements. Teachers with specific knowledge and skills should be encouraged to assist their colleagues to become better at what they do, and should receive additional compensation for taking on new roles

However, we remain opposed to pay systems that directly link teacher compensation to student test scores. Such merit pay systems fail to recognize that teaching is not an individual, isolated profession. Rather, it is a profession dependent on the entire network of teaching professionals, where the foundation for student achievement is built over time from each of the student's educators. Further merit pay undermines the collegiality and teamwork that create a high-performing learning institution.

Education support professionals should be afforded every opportunity to broaden and enhance their skills and knowledge through training/professional development offerings, mentoring, and programs designed to support them as they assist the classroom teacher. They should be compensated for taking additional courses or doing course work for advanced degrees to assist in the classroom and to support student learning.

We propose federal grants that support innovation in addressing teacher workload issues, especially in struggling schools.

These grants should allow districts and schools to experiment with proposals such as assisting new teachers by pairing them in a classroom with an experienced teacher, and compensating the experienced teacher to induct and mentor the new teacher. Co-teaching—two qualified teachers in one classroom—can benefit students by effectively reducing the class size per teacher allowing for more individual attention. Co-teaching also allows increased mentoring opportunities for teachers, can reduce the need for less qualified substitute teachers, and can enhance parental involvement and communication.

Hard-to-staff schools should be provided with an adequate number of well trained administrators and support professionals, including paraeducators, counselors, social workers, psychologists, and clerical support. Teachers and support professionals in these schools should have access to targeted professional development focused on

the specific needs of the school and community. These proposals would reduce the costly and disruptive turnover common in struggling schools.

Paraeducators who are involuntarily transferred to a Title I school and who had not met the highly qualified standard required under NCLB in Title I schools, should be given adequate time to meet the requirement. The school district should be responsible for any remuneration required for meeting the standard (i.e., taking an assessment or taking continuing or higher education courses).

The third set of proposals focuses on distribution of the educator workforce—ways to ensure that all schools, no matter how challenging, are staffed by high quality education professionals.

We propose that teachers and support professionals who work in schools identified as "in need of improvement" or high-poverty schools, and stay in such schools for at least five years, be eligible for financial incentives—both direct federal subsidies and tax credits—for retention, relocation, and housing.

We also propose that the definition of "highly qualified" teachers be revised to respect state licensure and certification systems, and eliminate nonessential requirements that create unnecessary obstacles for talented and skilled teachers and loopholes in the scope of coverage for some charter school teachers, alternative route teachers, and supplemental education service provider instructors.

Specifically, we propose that all fully licensed special education teachers be designated as highly qualified; that broad-based social studies certification count as meeting the highly qualified requirements for any social studies discipline; and that additional flexibility be provided for middle school teachers, including accepting an academic minor to demonstrate subject matter competence. We also propose expanding the definition of "rural schools" used in the current rural school timeline extension. Finally, we propose that all teachers employed in programs authorized and/or funded through the Elementary and Secondary Education Act, including those in charter schools and supplemental education service providers, be required to meet the same definition regarding qualifications.

Due to numerous rules and guidance changes by the U.S. Department of Education (DOE), as well as DOE's recent notification to some states that their definitions were not in compliance, some teachers will have an extremely limited amount of time to meet the new definitions imposed upon their state, or may still not know the exact rules they must meet. In several states, teachers were told by their state that they met the highly qualified rules but now, years after the fact in some cases, the federal government is ruling their states' definitions out of compliance. As a result, tens of thousands of teachers have already been notified they were highly qualified and may suddenly find themselves classified as not highly qualified. DOE appears to believe that content knowledge trumps all other forms of knowledge and skills (including decades of successful teaching).

Teachers who may not meet the highly qualified standard by the end of the current deadlines due to these significant implementation problems should not be penalized, but instead should be provided with assistance and additional time to meet the requirement.

Additionally, we propose that paraeducators who meet the highly qualified standard be granted reciprocity if they move to another state or district, where assessment scores or qualifications are different. Paraeducators should be able to provide documentation that they have met the requirements from a previous state or district to the receiving state or district. Documentation should be provided within 12 months of their hiring.

IV. Students and Schools Supported By Active and Engaged Parents, Families, and Communities

NEA supports inclusion of programs in ESEA that help to enhance family and community involvement.

Adult and family literacy programs encourage parents to model reading, which promotes early and sustained literacy, and enable parents to be more involved in their children's education, particularly with homework. Parenting classes can explain the significance of adequate sleep, appropriate nutrition, and other factors, so that children come to school ready to learn and can help parents understand their role as partners in their children's education.

An engaged community is a supportive community. Community engagement programs can expand the stakeholders in public education to include community organizations. Parent leaders can bring greater awareness of school issues to review boards, panels, oversight committees, and public officials.

Language barriers serve as an obstacle to school/family partnerships in growing numbers of communities. Strategies that have worked well include providing a bilingual teacher or other translator for parent conferences and other parent involve-

ment activities, and multilingual school-to-home communications. In addition, for parents who are unfamiliar with the U.S. educational system, parent education helps to enhance their understanding of what is expected of them and their children in their public schools.

All schools should be encouraged to institute school-parent compacts—signed by parents—that provide a clearly defined list of parental expectations and opportunities for involvement.

NEA supports policies and resources that assist communities in making schools the hub of the community.

Community schools bring together public and private organizations to offer a range of services, programs, and opportunities—before, during, and afterschool—that strengthen and support schools, communities, families, and students. Community schools improve the coordination, delivery, effectiveness, and efficiency of services provided to children and families. These schools and communities develop reciprocal and mutually supportive relationships. In addition to building strong connections between schools and families and enhancing student learning, community schools help to make schools and communities safer and more supportive places; and they use scarce public, private, and community resources more efficiently.

As an essential component of a highly qualified workforce, NEA supports including training in the skills and knowledge needed for effective parental and family communication and engagement strategies as a requirement for professional development programs funded through ESEA.

The case for the importance of parent and community engagement in bolstering public education is well documented. However, the research base could be strengthened by supporting more research designs that would enable firmer conclusions to be drawn about the specific effects of different types of programs.

Parent and community engagement can also be bolstered by more effective implementation of the parent and community engagement requirements in Title I of ESEA. Technical assistance to schools and financial rewards for exemplary involvement or improvement in involvement would help broaden the ethnic, language, and racial diversity of those involved in planning parent involvement and would help ensure that the full community is represented.

We also support expanded funding for the Parent Information and Resource Centers (PIRC) program in ESEA. The PIRC program supports school-based and school-linked parental information and resource centers that help implement effective parental involvement policies, programs, and activities; develop and strengthen partnerships among parents, teachers, principals, administrators, and other school personnel in meeting the educational needs of children; and develop and strengthen the relationship between parents and their children's school.

Time and availability are two obvious challenges to parental involvement. Employers should receive incentives or be required to provide parents a reasonable amount of leave to participate in their children's school activities.

V. Resources To Ensure a Great Public School For Every Child

When NCLB was enacted, Congress promised to provide the resources necessary to meet the many mandates contained in the law, provide school improvement funds to schools that failed AYP, and provide increased resources especially for Title I and Title II Teacher Quality to help close achievement gaps, improve overall student achievement, and ensure all students have a quality teacher. NCLB has never been funded at the authorized levels. And, after an increase in funding in the first year (FY 2002), funding for NCLB programs is on the decline, with most states and school districts facing unfunded mandates, real cuts in resources, and no federal funds to turn around low-performing schools. Note the following illustration of ever-diminishing resources:

• In the 2005—06 school year, two-thirds of all schools districts are receiving less Title I money than they did the previous year. In the 2006—07 school year, an additional 62 percent of school districts will have their Title I funding cut—most for the second consecutive year—because Congress reduced overall Title I funding.

• Up to 20 percent of school districts' Title I money must be diverted from classroom services to pay for transportation for school choice and supplemental services. This mandatory set-aside compounds the impact of continued reductions in funding. Thus, many districts are experiencing severe reductions in Title I funds available for classroom services to help our neediest students improve their learning, and even districts slated for an increase in Title I funding have less money available for classroom services after this set-aside.

• Under the President's proposed budget for FY 07, 29 states will receive less Title I money than they did in FY 06, with some states actually receiving less money than they did three, four, or even five years ago.

• NO money has ever been provided for the school improvement state grants program. The only money available for school improvement comes off the top of states' Title I allocations, taking funds from the few school districts that have not yet had their Title I funding cut.

• Funding for teacher quality state grants in FY 06 is less than the level provided three years ago. The President's budget proposes to continue funding in FY 07 at this reduced level.

• Overall, Title I funding proposed for FY 07 is only roughly half of the authorized level promised when NCLB was passed, leaving almost 4.6 million low-income students denied Title I services.

To help meet all the Great Public Schools criteria, and in particular adequate, equitable, and sustainable funding, NEA supports the following:

• Fully funding ESEA programs at their authorized levels so that states and schools have adequate funding for programs, including professional development for teachers and paraeducators, needed to help close achievement gaps.

• Enforcing Sec. 9527(a) of NCLB, which prevents the federal government from requiring states and school districts to spend their own funds—beyond what they receive from the federal government—to implement federal mandates. NEA is joined in this position by school districts, several states, the American Association of School Administrators, and other state and local officials.

• Protecting essential ESEA programs by:

• Providing a separate ESEA funding stream for school improvement programs to assist districts and schools

• Providing adequate funding to develop and improve assessments that measure higher order thinking skills

• Establishing a trigger whereby any consequences facing schools falling short of the new accountability system are implemented only when Title I is funded at its authorized level

• Providing a separate ESEA funding stream for supplemental education services and school choice, if these mandates remain in the law

• Providing adequate funding to develop and improve appropriate assessments for students with disabilities and English Language Learners

• Providing technical assistance to schools to help them use funds more effectively

• Adequately funding important children's and education programs outside of ESEA, including child nutrition, Head Start, IDEA, children's health, child care, and related programs. Each of these programs makes an important contribution to a child's ability to learn. Further, reduced federal funding for social services programs erodes funding for education by pitting funding for education against health care and other needs at the state level, undermining the states' ability to adequately fund their public schools.

APPENDIX A—THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965: FROM THE WAR ON POVERTY TO NO CHILD LEFT BEHIND

The largest source of federal support for K-12 education is the Elementary and Secondary Education Act (ESEA). Passed in 1965 as part of Lyndon Johnson's War on Poverty, ESEA has provided federal funding to the neediest students and schools for over 40 years. It has been reauthorized eight times—usually every five or six years—since 1965. In announcing his plan to construct a "Great Society," President Johnson stated, "Poverty must not be a bar to learning, and learning must offer an escape from poverty."[6] Bolstered by the passage of the Civil Rights Act of 1964, elections yielding an increase in the number of Congressmen from northern, more urban areas, and his own landslide election victory, Johnson quickly won passage of ESEA. Representative John Brademas summarized the congressional sentiment behind Johnson's legislation, stating, "Many of us in Congress and some presidents of both parties perceived that there were indeed genuine needs—in housing, health, and education—to which state and city governments were simply not responding. It was this inattention by state and local political leaders, therefore, that prompted us at the federal level to say, 'We're going to do something about these problems.' And we did."[7]

ESEA created for the first time a partnership among federal, state, and local governments to address part of the larger national agenda of confronting poverty and its damaging effects by targeting federal aid to poor students and schools. It also was based on a "grand" compromise concerning federal aid to private and parochial schools. To avoid directly sending public dollars to parochial schools, ESEA instead directed public school districts to use a portion of their Title I funds to provide services to low-income students enrolled in private schools. This provision—known as equitable participation—has stood for over 40 years.

Since then, ESEA has evolved in three major phases. From 1965 to 1980, the reauthorizations of ESEA focused on whether Title I (providing the bulk of ESEA funds for targeted help to poor students and high-poverty schools) was to be considered truly targeted funding or whether it was cleverly disguised as general aid to education (today over 90 percent of school districts receive Title I funding). This period was also marked by evolving lists of "allowable uses" of Title I funds, from equipment to professional development to health services.[8]

The second phase of ESEA—from about 1980 to 1990—saw no significant increases (when adjusted for inflation) in funding for the Act, and President Reagan block-granted and consolidated several ESEA programs. Also during this time, A Nation at Risk—a Reagan Administration commission report—was released and catapulted education onto the national political scene as an important issue to voters. The report clearly linked the state of America's schools to the nation's economic productivity. In the 1988 reauthorization of ESEA, the first significant shift in the distribution of Title I dollars occurred, conditioning the states' receipt of the funds upon some accountability for improved outcomes. Congress allowed Title I funds to be used for schoolwide programs (to support systemic improvement in schools where 75 percent of students were in poverty) as a way to respond to the urgent call for more wide-sweeping reform outlined in Nation at Risk.

Finally, from 1990 to the present, the education debate has been dominated by the desire of policymakers to see evidence that federal investments in education programs yield tangible, measurable results in terms of student achievement and success. The two main examples of this approach occurred in 1994 and in 2001, with the passage of President Clinton's Goals 2000 and the Improving America's Schools Act (IASA) and President George W. Bush's No Child Left Behind Act (NCLB).

Not surprisingly, the Clinton reauthorization built upon the standards-based reform initiatives of many governors, including many who in 1989 attended President Bush's first-ever education summit of the nation's governors to discuss national standards or goals. Goals 2000, passed in 1993, required all states to develop challenging standards for all students in reading and math, as well as issue school report cards. IASA went a step further and required states to develop and administer statewide assessments to all low-income students at least once in elementary school, once in middle school, and once in high school and to develop plans to improve their educational outcomes. While this policy movement occurred, congressional Republicans adopted a platform called the "Contract with America," which called for, among other things, the abolition of the U.S. Department of Education. By early 1999, however, only 36 states issued school report cards, 19 provided assistance to low-performing schools, and 16 had the authority to close down persistently low-performing schools.[9] Ironically, President Clinton's Assistant Secretary for Elementary and Secondary Education, Tom Payzant, remarked later, "The underlying policy direction of NCLB is consistent with the 1994 reauthorization, but there's a level of prescriptions with respect to implementation that [Democrats] would have been soundly criticized for trying to accomplish, had we done so."[10]

In May of 1999, the Clinton Administration forwarded its ESEA reauthorization proposal to Congress (a proposal that called for more funding, particularly for class size reduction, school modernization, and after school programs). A group of centrist Democrats, led by Senators Joe Lieberman (D-CT) and Evan Bayh (D-IN) developed an alternative proposal. At the same time, conservative Republicans authored the "Straight A's" plan, which would have block-granted most federal education programs, shifting power and money to the state level. Due to these fractures, ESEA was not reauthorized in 1999. During the 2000 Presidential campaign, Governor George W. Bush and Vice President Al Gore both embraced continued emphasis on standards-based reform, but it was Bush who grabbed the Lieberman/Bayh blueprint, attached a large voucher proposal to it, and campaigned to "leave no child behind."

In February of 2001, shortly after Bush assumed office, Senator Diane Feinstein (D-CA) sent a letter on behalf of several centrist Democratic Senators to the President indicating their support for the basic thrust of the Bush accountability proposal. Senator Ted Kennedy (D-MA), knowing that Democrats were not united around a common ESEA reauthorization plan, met shortly thereafter with the White House to begin negotiating a compromise. Throughout the spring of 2001, Senator Kennedy and Representative George Miller (D-CA) had ongoing discussions with the White House in which the Administration agreed to abandon quietly the fight for its voucher plan (helped tremendously by 5 Republicans voting with all Democrats on the House Education and Workforce committee to strike voucher provisions from the Committee bill) in exchange for supplemental services and significantly more funding. By the summer, however, negotiations had slowed tremendously due to the difficulty in crafting an Adequate Yearly Progress (AYP) definition that did not

over-identify schools. White House advisor Sandy Kress (a Texas Democrat who had helped Bush usher in an NCLB-like accountability system in Texas) met with an NEA-led task force of several major education groups to discuss the AYP definition. Kress stated that the White House did not wish to identify as low-performing so many schools that it would become impossible to target help to the schools most in need. Despite this expressed goal, the White House's involvement in actual negotiations began to lessen.

In August, congressional staff had begun conference negotiations on the House and Senate bills. Following the September 11th terrorist attacks and the receipt in Senator Daschle's office of an anthrax-laced letter, most congressional buildings were locked down for intensive cleaning. As a result, the "Big Four"—Senator Judd Gregg (R-NH), Senator Kennedy, Representative John Boehner (R-OH), and Representative Miller—began intensive, private negotiations and drafting sessions. By the time they concluded, ESEA's reauthorization, the "No Child Left Behind Act," was 1,100 pages long. Members of both parties literally had a few days to review all of its contents before votes on the final legislation. In December 2001, the Senate voted 87-10 to approve the legislation, and the House approved it by a vote of 381-41.

THE ESEA IN HISTORICAL CONTEXT

Year	Public Law No.	Title
2002	107-110	No Child Left Behind Act of 2001 (Public Law 107-110) requires annual testing in reading and math in grades 3-8 and at least once in high school, requires science standards and assessments in at least three grades, requires that teachers and education support professionals meet new quality requirements, and sanctions schools that do not make adequate yearly progress.
1998	105-277	The 1999 Omnibus Appropriations Bill, including the FY 99 Budget for the Department of Education. The Reading Excellence Act and legislation authorizing the class size reduction initiative were also included.
1997	105-17	The Individuals with Disabilities Education Act (IDEA), to reauthorize and make improvements to that Act, which is designed to improve access to education for those with disabilities.
1994	103-382	Improving America's Schools Act of 1994, reauthorized the Elementary and Secondary Education Act [ESEA]. Covers Title I, Safe and Drug-Free Schools, Eisenhower Professional Development, bilingual education, impact aid, charter schools, education technology and many other programs; also reauthorized the National Center for Education Statistics, amended General Education Provisions Act [GEPA] and several other acts.
1994	103-239	School-to-Work Opportunities Act of 1994
1993	103-227	GOALS 2000: Educate America Act, also included reauthorization of the Office of Educational Research and Improvement [OERI]). Passed in 1993.
1993	103-33	To authorize the conduct and development of NAEP (National Assessment of Educational Progress) assessments for fiscal year 1994.
1991	102-119	Individuals with Disabilities Education Act Amendments of 1991 (IDEA)
1990	101-476	Education of the Handicapped Act Amendments of 1990
1989		President George Bush convened the first education summit of the nation's governors. This summit led to the creation of the first-ever national goals for education: every child would come to kindergarten ''ready to learn,'' America would have a 90% graduation rate, students would master five core subjects before advancing past grades 4, 8, and 12; America's students would lead the world in math and science; all adults would be literate and prepared for the workforce; and every school would be safe and drug-free.
1988	100-297	ESEA Reauthorized as the ''Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988''—major change was allowing Title I funds to be used for ''schoolwide'' programs in schools where at least 75% of the students were at or below the poverty level.
1987		Gallup poll reported that 87% of Americans believed that the federal government should require states and localities to meet some minimum national standards with respect to education.
1984	98-211	Education emerged as a top issue in the Presidential campaign; however, the Administration's political platform remained opposed to expanding federal involvement in education. ESEA reauthorized with rather technical changes. (Education Amendments of 1984).
1981		President Reagan's Secretary of Education, Terrel Bell, appointed the commission that issued the widely publicized report, ''A Nation at Risk.'' The report, which characterized America's public schools as mediocre at best, called for increased salaries and professional development for teachers, tougher standards and graduation requirements, and a more rigorous curriculum.
1981	97-35	ESEA reauthorized as the Education Consolidation and Improvement Act—block-granted several programs.
1980	96-88	Department of Education Organization Act, creating the USED. NEA helped author this legislation and promoted it as a top organization priority.
1978	95-561	Education Amendments of 1978

THE ESEA IN HISTORICAL CONTEXT—Continued

Year	Public Law No.	Title
1975	94-142	Education for All Handicapped Children Act, the origin of today's IDEA.
1974	93-380	Education Amendments of 1974. Adds the Family Education Rights and Privacy Act (FERPA, also often called the Buckley Amendment).
1972	92-318	Education Amendments of 1972 (Title IX). Prohibits sex discrimination in education.
1967	90-247	Elementary and Secondary Education Amendments of 1967. Title IV of this act is known as the General Education Provisions Act [GEPA].
1966	89-750	Elementary and Secondary Amendments of 1966. Adult Education Act is Title III.
1965	89-10;	Elementary and Secondary Education Act of 1965;
	89-329	Higher Education Act of 1965
1964	88-352	Civil Rights Act of 1964. Title IV covers education.

APPENDIX IV: NEA'S 12 DROPOUT ACTION STEPS

1. Mandate high school graduation or equivalency as compulsory for everyone below the age of 21. Just as we established compulsory attendance to the age of 16 or 17 in the beginning of the 20th century, it is appropriate and critical to eradicate the idea of "dropping out" before achieving a diploma. To compete in the 21st century, all of our citizens, at minimum, need a high school education.

2. Establish high school graduation centers for students 19-21 years old to provide specialized instruction and counseling to all students in this older age group who would be more effectively addressed in classes apart from younger students.

3. Make sure students receive individual attention in safe schools, in smaller learning communities within large schools, in small classes (18 or fewer students), and in programs during the summer, weekends, and before and after school that provide tutoring and build on what students learn during the school day.

4. Expand students' graduation options through creative partnerships with community colleges in career and technical fields and with alternative schools so that students have another way to earn a high school diploma. For students who are incarcerated, tie their release to high school graduation at the end of their sentences.

5. Increase career education and workforce readiness programs in schools so that students see the connection between school and careers after graduation. To ensure that students have the skills they need for these careers, integrate 21st century skills into the curriculum and provide all students with access to 21st century technology.

6. Act early so students do not drop out with high-quality, universal preschool and full-day kindergarten; strong elementary programs that ensure students are doing grade-level work when they enter middle school; and middle school programs that address causes of dropping out that appear in these grades and ensure that students have access to algebra, science, and other courses that serve as the foundation for success in high school and beyond.

7. Involve families in students' learning at school and at home in new and creative ways so that all families-single-parent families, families in poverty, and families in minority communities-can support their children's academic achievement, help their children engage in healthy behaviors, and stay actively involved in their children's education from preschool through high school graduation.

8. Monitor students' academic progress in school through a variety of measures during the school year that provide a full picture of students' learning and help teachers make sure students do not fall behind academically.

9. Monitor, accurately report, and work to reduce dropout rates by gathering accurate data for key student groups (such as racial, ethnic, and economic), establishing benchmarks in each state for eliminating dropouts, and adopting the standardized reporting method developed by the National Governors Association.

10. Involve the entire community in dropout prevention through family-friendly policies that provide release time for employees to attend parent-teacher conferences; work schedules for high school students that enable them to attend classes on time and be ready to learn; "adopt a school" programs that encourage volunteerism and community-led projects in school; and community-based, real-world learning experiences for students.

11. Make sure educators have the training and resources they need to prevent students from dropping out including professional development focused on the needs of diverse students and students who are at risk of dropping out; up-to-date textbooks and materials, computers, and information technology; and safe modern schools.

12. Make high school graduation a federal priority by calling on Congress and the president to invest $10 billion over the next 10 years to support dropout prevention programs and states who make high school graduation compulsory.

APPENDIX V: JOINT ORGANIZATIONAL STATEMENT ON NO CHILD LEFT BEHIND (NCLB) ACT

List of signers updated March 8, 2007

The undersigned education, civil rights, children's, disability, and citizens' organizations are committed to the No Child Left Behind Act's objectives of strong academic achievement for all children and closing the achievement gap. We believe that the federal government has a critical role to play in attaining these goals. We endorse the use of an accountability system that helps ensure all children, including children of color, from low-income families, with disabilities, and of limited English proficiency, are prepared to be successful, participating members of our democracy.

While we all have different positions on various aspects of the law, based on concerns raised during the implementation of NCLB, we believe the following significant, constructive corrections are among those necessary to make the Act fair and effective. Among these concerns are: over-emphasizing standardized testing, narrowing curriculum and instruction to focus on test preparation rather than richer academic learning; over-identifying schools in need of improvement; using sanctions that do not help improve schools; inappropriately excluding low-scoring children in order to boost test results; and inadequate funding. Overall, the law's emphasis needs to shift from applying sanctions for failing to raise test scores to holding states and localities accountable for making the systemic changes that improve student achievement.

Recommended Changes in NCLB

Progress Measurement

1. Replace the law's arbitrary proficiency targets with ambitious achievement targets based on rates of success actually achieved by the most effective public schools.

2. Allow states to measure progress by using students' growth in achievement as well as their performance in relation to pre-determined levels of academic proficiency.

3. Ensure that states and school districts regularly report to the government and the public their progress in implementing systemic changes to enhance educator, family, and community capacity to improve student learning.

4. Provide a comprehensive picture of students' and schools' performance by moving from an overwhelming reliance on standardized tests to using multiple indicators of student achievement in addition to these tests.

5. Fund research and development of more effective accountability systems that better meet the goal of high academic achievement for all children

Assessments

6. Help states develop assessment systems that include district and school-based measures in order to provide better, more timely information about student learning.

7. Strengthen enforcement of NCLB provisions requiring that assessments must:

- Be aligned with state content and achievement standards;
- Be used for purposes for which they are valid and reliable;
- Be consistent with nationally recognized professional and technical standards;
- Be of adequate technical quality for each purpose required under the Act;
- Provide multiple, up-to-date measures of student performance including measures that assess higher order thinking skills and understanding; and
- Provide useful diagnostic information to improve teaching and learning.

8. Decrease the testing burden on states, schools and districts by allowing states to assess students annually in selected grades in elementary, middle schools, and high schools.

Building Capacity

9. Ensure changes in teacher and administrator preparation and continuing professional development that research evidence and experience indicate improve educational quality and student achievement.

10. Enhance state and local capacity to effectively implement the comprehensive changes required to increase the knowledge and skills of administrators, teachers, families, and communities to support high student achievement.

Sanctions

11. Ensure that improvement plans are allowed sufficient time to take hold before applying sanctions; sanctions should not be applied if they undermine existing effective reform efforts.

12. Replace sanctions that do not have a consistent record of success with interventions that enable schools to make changes that result in improved student achievement.

Funding

13. Raise authorized levels of NCLB funding to cover a substantial percentage of the costs that states and districts will incur to carry out these recommendations, and fully fund the law at those levels without reducing expenditures for other education programs.

14. Fully fund Title I to ensure that 100 percent of eligible children are served.

We, the undersigned, will work for the adoption of these recommendations as central structural changes needed to NCLB at the same time that we advance our individual organization's proposals.

1. Advancement Project
2. American Association of School Administrators
3. American Association of School Librarians (AASL), a division of the American Library Association (ALA)
4. American Association of University Women
5. American Baptist Women's Ministries
6. American Counseling Association
7. American Dance Therapy Association
8. American Federation of School Administrators (AFSA)
9. American Federation of Teachers
10. American Federation of State, County, and Municipal Employees (AFSCME)
11. American Humanist Association
12. American Speech-Language-Hearing Association
13. Americans for the Arts
14. Annenberg Institute for School Reform
15. Asian American Legal Defense and Education Fund
16. Asian Pacific American Labor Alliance (APALA)
17. ASPIRA
18. Association for Supervision and Curriculum Development
19. Association of Community Organizations for Reform Now (ACORN)
20. Association of Education Publishers
21. Association of School Business Officials International (ASBO)
22. Big Picture Company
23. Center for Community Change
24. Center for Expansion of Language and Thinking
25. Center for Parent Leadership
26. Children's Defense Fund
27. Church Women United
28. Citizens for Effective Schools
29. Coalition for Community Schools
30. Coalition of Essential Schools
31. Commission on Social Action of Reform Judaism
32. Communities for Quality Education
33. Council for Children with Behavioral Disorders
34. Council for Exceptional Children
35. Council for Hispanic Ministries of the United Church of Christ
36. Council for Learning Disabilities
37. Council of Administrators of Special Education, Inc.
38. Cross City Campaign for Urban School Reform
39. Disciples Home Missions of the Christian Church (Disciples of Christ)
40. Disciples Justice Action Network (Disciples of Christ)
41. Division for Learning Disabilities of the Council for Exceptional Children (DLD/CEC)
42. Education Action!
43. Every Child Matters
44. FairTest: The National Center for Fair & Open Testing
45. Forum for Education and Democracy
46. Gender Public Advocacy Coalition (GPAC)
47. Hmong National Development
48. Indigenous Women's Network
49. Institute for Language and Education Policy

50. International Reading Association
51. International Technology Education Association
52. Japanese American Citizens League
53. Learning Disabilities Association of America
54. League of United Latin American Citizens (LULAC)
55. Ministers for Racial, Social and Economic Justice of the United Church of Christ
56. National Association for the Advancement of Colored People (NAACP)
57. NAACP Legal Defense and Education Fund (LDF)
58. National Alliance of Black School Educators
59. National Association for Asian and Pacific American Education (NAAPAE)
60. National Association for Bilingual Education (NABE)
61. National Association for the Education and Advancement of Cambodian, Laotian and Vietnamese Americans (NAFEA)
62. National Association for the Education of African American Children with Learning Disabilities
63. National Association of Pupil Services Administrators
64. National Association of School Psychologists
65. National Association of Social Workers
66. National Baptist Convention, USA (NBCUSA)
67. National Coalition for Asian Pacific American Community Development
68. National Coalition for Parent Involvement in Education (NCPIE)
69. National Conference of Black Mayors
70. National Council for Community and Education Partnerships (NCCEP)
71. National Council for the Social Studies
72. National Council of Churches
73. National Council of Jewish Women
74. National Council of Teachers of English
75. National Education Association
76. National Federation of Filipino American Associations
77. National Indian Education Association
78. National Indian School Board Association
79. National Korean American Service & Education Consortium (NAKASEC)
80. National Mental Health Association
81. National Ministries, American Baptist Churches USA
82. National Pacific Islander Educator Network
83. National Parent Teacher Association (PTA)
84. National Reading Conference
85. National Rural Education Association
86. National School Boards Association
87. National School Supply and Equipment Association
88. National Superintendents Roundtable
89. National Urban League
90. Native Hawaiian Education Association
91. Network of Spiritual Progressives
92. Organization of Chinese Americans
93. People for the American Way
94. Presbyterian Church (USA)
95. Progressive National Baptist Convention
96. Protestants for the Common Good
97. Public Education Network (PEN)
98. Rural School and Community Trust
99. Service Employees International Union
100. School Social Work Association of America
101. Sikh American Legal Defense and Education Fund
102. Social Action Committee of the Congress of Secular Jewish Organizations
103. Southeast Asia Resource Action Center (SEARAC)
104. Stand for Children
105. Teachers of English to Speakers of Other Languages (TESOL)
106. The Children's Aid Society
107. The Episcopal Church
108. United Black Christians of the United Church of Christ
109. United Church of Christ Justice and Witness Ministries
110. United Methodist Church, General Board of Church and Society
111. USAction
112. Women's Division of the General Board of Global Ministries, The United Methodist Church
113. Women of Reform Judaism

ENDNOTES

[1] Reports can be found at: *http://www.21stcenturyskills.org/*.

[2] A recent report from the NEA Research Department (Teacher Pay 1940—2000: Losing Ground, Losing Status), based on U.S. census data, finds that annual pay for teachers has fallen sharply over the past 60 years in relation to the annual pay of other workers with college degrees. The report states: "Throughout the nation, the average earnings of workers with at least four years of college are now over 50 percent higher than the average earnings of a teacher." Furthermore, an analysis of weekly wage trends by researchers at the Economic Policy Institute (EPI) shows that teachers' wages have fallen behind those of other workers since 1996, with teachers' inflation-adjusted weekly wages rising just 0.8 percent, far less than the 12 percent weekly wage growth of other college graduates and of all workers. Further, a comparison of teachers' weekly wages to those of other workers with similar education and experience shows that, since 1993, female teacher wages have fallen behind 13 percent and male teacher wages 12.5 percent (11.5 percent among all teachers). Since 1979, teacher wages relative to those of other similar workers have dropped 18.5 percent among women, 9.3 percent among men, and 13.1 percent among both combined.

[3] "Why Money Matters," NEA Today, November 2006, *http://www.nea.org/neatoday/0611/feature3.html* and *http://www.nea.org/pay/index.html*.

[4] For more information about state initiatives, go to *http://www.teachingquality.org/twc/whereweare.htm*.

[5] NEA member Marjorie Zimmerman, a middle school teacher from Las Vegas, Nevada, tells NEA "My school was a high-performing school one year. Students, for the most part, are interested in learning and they perform well. The next year, because one too few students took the test, we were in need of improvement. This demonstrates that the requirements for meeting AYP certainly are not indicative of true academic progress by students in the school. Also, given the nature of standardized tests and the difficulty of improving as one moves toward the upper end of the spectrum, most schools will eventually be in need of improvement." See Voices from America's Classroom, with first-person stories from all 50 states about the impact of NCLB, available at: *http://www.nea.org/esea/nclbstories/index.html*.

[6] Public Papers of the Presidents of the United States, U.S. Government Printing Office 1965, Lyndon B. Johnson, Book I (1963-1964): 704-707.

[7] John Brademas, The Politics of Education: Conflict and Consensus on Capitol Hill, Norman: University of Oklahoma Press (1987), p. 77.

[8] Elizabeth DeBray, Politics, Ideology, and Education: Federal Policy During the Clinton and Bush Administrations, Teachers College Press (2006), p. 7.

[9] Ibid.

[10] Frederick Hess and Michael Petrilli, No Child Left Behind, Peter Lang Publishing (2006), p. 15.

Chairman MILLER. Thank you.

Ms. Burmaster?

STATEMENT OF ELIZABETH BURMASTER, COUNCIL OF CHIEF STATE SCHOOL OFFICERS

Ms. BURMASTER. Good morning.

Chairman Miller, Chairman Kennedy, Ranking Member McKeon, Senator Isakson and members of the committee, thank you for this opportunity to testify today on the No Child Left Behind Act.

My name is Elizabeth Burmaster, and I am the elected Wisconsin state superintendent of public instruction, and I am testifying today in my capacity as the president of the Council of Chief State School Officers, the CCSSO.

As the top education officials in every state, CCSSO's members are immersed daily in the implementation of the No Child Left Behind and have taken the lead in transforming No Child Left Behind from policy to practice over the last 5 years, including leading the effort to develop state standards, state accountability systems, state assessments, state data systems and state teacher quality requirements, as well as overseeing the public education systems of our states.

Chief state school officers are implementing this law, and we want to strengthen it so that it works.

When Congress enacted the No Child Left Behind Act in 2001, state education reform efforts were uneven. Five years later,

through strong state and local leadership, No Child Left Behind's core foundational reforms are now widely in place.

Now, we have to build on those foundations with real innovations and new investments to dramatically improve student achievement, close achievement gaps and prepare all students in our nation for success in an interconnected 21st-century world.

Now, to accomplish that goal, the reauthorized ESEA must evolve to fit with the next stage of standards-based reform, shifting from the law's current focus on prescriptive compliance requirements to a dynamic law focused on providing real incentives for innovative state and local models, along with fair and meaningful accountability for results.

Innovation and rigor must be the foundation of the state and federal partnership if we are to achieve our nation's education goals. Innovation will strengthen this law and make it more effective in accomplishing its true intent.

Congress cannot ask states to continue to drive the education reform process without giving us the authority and the capacity to lead. Chief state school officers have been the first to see how rigid implementation of the law has worked against the intent of the law in so many cases.

The next generation of No Child Left Behind must ensure that state agencies have the ability to improve their education systems by building on the strengths and the assets that have proven to be successful in their state and at the local level.

Last year, CCSSO issued an ESEA policy statement announcing three principles that must guide the reauthorization process and provide the basis for a new state-federal partnership. And this partnership must include: greater support and increased focused on innovation in building on the foundations of standards-based reform, including standards, assessments and accountability systems; building state and local capacity to improve learning opportunities for all students and to intervene in consistently low-performing districts and schools; and increased investment at the federal level in research, evaluation, technical assistance and collaboration to help inform state and local efforts to improve student achievement and close achievement gaps.

In January, CCSSO announced eight recommendations to strengthen the law. We believe these recommendations are imperative if ESEA is to reflect the current, not the prior, education landscape and, most importantly, to ensure that all students are prepared in the future for post-secondary education, work and citizenship in the 21st century.

In the United States, we have long held the belief that the days of our children would be better than our own, and a quality education is a civil right. The reauthorization of No Child Left Behind holds the potential to make that dream a reality for America's children.

The chief state school officers of this country have submitted eight recommendations, which we believe will ensure No Child Left Behind lives up to its intent and its promise for America's children, and I have submitted those for the record.

Thank you.

[The statement of Ms. Burmaster follows:]

Prepared Statement of Elizabeth Burmaster, President, Council of Chief State School Officers

Chairman Miller, Chairman Kennedy, Ranking Member McKeon, and Ranking Member Enzi, thank you for this opportunity to testify today about strategies for improving the No Child Left Behind Act. My name is Elizabeth Burmaster; I am the elected Wisconsin State Superintendent of Public Instruction, and I am testifying today in my capacity as the current President of the Council of Chief State School Officers (CCSSO).

CCSSO is a nonpartisan, nationwide, nonprofit organization of public officials who lead departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. Our members are immersed daily in the implementation of the No Child Left Behind Act (NCLB) and have taken the lead in transforming NCLB from policy to practice over the last five years, including leading the effort to develop state standards, state accountability systems, state assessments, and state teacher quality requirements in addition to meeting many other responsibilities.

When Congress enacted the No Child Left Behind Act in 2001, state education reform efforts were uneven. Five years later, through strong state and local leadership, NCLB's core foundational reforms are widely in place. Now, we must build on those foundations with real innovations and new investments to dramatically improve student achievement, close achievement gaps, and prepare all students and our nation for success in an interconnected, 21st century world.

To accomplish that goal, the reauthorized Elementary and Secondary Education Act (ESEA) must evolve to fit with the next stage of standards-based reform, shifting from the law's current focus on prescriptive compliance requirements to a dynamic law focused on providing real incentives for innovative state and local models—along with fair and meaningful accountability for results. Innovation and rigor must be the foundation of the state and federal partnership if we are to achieve our nation's education goals. Reauthorization of ESEA must support this partnership and empower state and local efforts to prepare our children to compete in the 21st century.

Under NCLB, state education agencies implement the law's education reforms by requiring, among other things, state assessments, state accountability systems, state interventions, state teacher quality, state standards, and state data systems. Congress cannot ask states to continue to drive the education reform process without giving them authority and capacity to lead. The U.S. Department of Education strictly enforced the rigid prescription of the current language of the law. Chief State School Officers have been the first to see how this rigid prescription has worked against the intent of the law in many cases. The intent is to raise student achievement and build community support for reform efforts to close the gap in achievement that exists throughout our country. The next generation of NCLB must ensure state agencies have the ability to improve their education systems by building on the strengths and assets that have proven to be successful in their state at the local level.

Last year CCSSO issued a high level ESEA reauthorization policy statement announcing three principles that must guide the reauthorization process and provide the basis for a new state-federal partnership. This partnership must include: (1) continued support and increased focus on innovation and autonomy with regard to the foundations of standards-based reform, (2) a greater focus on building state and local capacity to improve learning opportunities for all students and to intervene in consistently low-performing districts and schools, and (3) increased investment in research, evaluation, technical assistance, and collaboration to help inform state and local efforts to improve student achievement and close achievement gaps.

In January, CCSSO announced eight recommendations meant to operationalize these three core themes within the context of NCLB. We believe these recommendations are necessary to update and improve ESEA to reflect the current—not prior—education landscape and most importantly to ensure that all students are prepared in the future for postsecondary education, work, and citizenship in the 21st century.

The eight recommendations are as follows:

INNOVATIVE MODELS and PEER REVIEW: The reauthorized ESEA should encourage, not stifle, innovation, and it should improve the peer review process to make it a true state-federal partnership. In that spirit, the law should be amended to remove and recast NCLB's current "waiver" authority to indicate that the Secretary "shall" approve innovative models where states can demonstrate, through a revised peer review process, good faith, educationally sound strategies to raise the bar for standards-based reform. States must have a role in the selection of qualified peers, and we should ensure the process focuses on technical assistance, full trans-

parency, real communication and dialogue with states, consistency in peer review standards and outcomes across states, timeliness of feedback and results, dissemination of promising practices, and more.

ACCOUNTABILITY: The reauthorized ESEA should encourage use of a variety of accountability models focused on individual student achievement that build on adequate yearly progress (AYP) to promote more valid, reliable, educationally meaningful accountability determinations. Among other things, the new law should ensure states' right to use true growth models to complement status measures (to follow the progress of the same students over time at all performance levels).

DIFFERENTIATE CONSEQUENCES: The reauthorized ESEA should encourage a full range of rewards and consequences for districts and schools that differ appropriately in nature and degree, based, for example, on whether schools miss AYP by a little versus a lot. In that context, the new law should permit states to exercise appropriate judgment and differentiate both accountability determinations and consequences based on sound evidence.

IMPROVE ASSESSMENT SYSTEMS: The reauthorized ESEA should encourage, though not require, use of a variety of state and local assessment models. CCSSO urges Congress to amend NCLB to permit states to promote the use of multiple state and local assessments (including assessments that can show growth at all levels) and ensure states' right to vary the frequency and grade spans of assessments. CCSSO also urges Congress to provide continued support for states to strengthen assessment systems.

STUDENTS WITH DISABILITIES: The reauthorized ESEA should encourage inclusion of students with disabilities in state assessment and accountability systems in a manner that is most meaningful for the full range of students with disabilities, based on ambitious but educationally sound performance goals and measures. In this context, the new law should permit use of alternate assessments measured against alternate/modified achievement standards based on individualized growth expectations across grade levels as needed for some students.

ELL STUDENTS: The reauthorized ESEA should encourage inclusion of ELL students in state assessment and accountability systems in a manner that is most meaningful for the full range of ELL students, based on ambitious but educationally sound performance measures and goals. The new law should permit states to properly include new immigrant ELL students in school accountability based on multiple measures for several years, where educationally appropriate. The law should also allow the use of a full range of alternate assessments and value individualized growth.

ENHANCE TEACHER QUALITY: The reauthorized ESEA should create incentives for states to create the best teaching force in the world by continuously improving teacher quality, supporting best-in-class professional development, and encouraging use of individual pathways to pedagogical and subject matter expertise. The law should incentivize continued improvement in teacher quality in a meaningful manner. Recommended changes include counting newly hired teachers (particularly rural, special education and ELL teachers) as "highly qualified" when they meet standards in their primary subject areas and are on a pathway (of no more than three years) with regard to additional subjects based on HOUSSE.

STRENGTHEN RESOURCES: The reauthorized ESEA should retain and provide additional funds at the state level that appropriately reflect the increased roles and responsibilities placed on states under ESEA. The law should authorize additional, long-term, consistent funding for state education agency action and intervention in underperforming districts and schools. This includes key areas such as state assessments (particularly including alternate assessments and English proficiency assessments), state data systems, technology, and research and development to inform state and district efforts.

As the leading education officials representing 49 states and five territories, we intend to work hand-in-hand to achieve these eight critical ESEA priorities, and we look forward to working with Congress and our partners in the education community to implement the next generation of standards-based reforms.

Moving from NCLB to every child a graduate will require strong state leadership and action from all levels of government, and beyond. This includes a new and meaningful state-federal partnership—one in which states and districts constantly improve and innovate and are supported by federal law. By working as true partners, we believe we can make a major difference in the lives of every student.

These eight important areas represent our core reauthorization priorities, but we acknowledge that other vital issues must be addressed during the reauthorization process, and we are open to lending our experiences and expertise to the broader debate about how to improve and build upon No Child Left Behind.

Thank you for your leadership on these important issues. I look forward to responding to any questions you may have.

Chairman MILLER. Well, thank you very much.

And thank you to all of the panelists for your testimony.

We will begin with questions, and we will proceed until noon, and we will just start in the order of members of seniority here.

If I might begin, Mr. Casserly, you talk about the problem of schools in need of improvement and the year-to-year cascading sanctions, as you called them. And you have suggested that there should be a longer window available so that schools can in fact put in place a program that the district or school believes is going to work and work their way back to AYP—let's forget the definition of AYP for a moment—but that they would work their way back into being compliant.

And also, Ms. Burmaster, you also mentioned about the differentiated sanctions, and I was just wondering if you two might comment. I don't know if you know one another's proposal here, but I think you are addressing somewhat the same problem and what happens to schools when they fail to make AYP.

Ms. BURMASTER. Certainly. I am pleased that so many groups are beginning to understand this problem, because a school that misses AYP by a little faces the same as the school that misses AYP by a lot. That, essentially, leads to a lack of credibility for the law at the local level, and it leads to a misidentification of schools in the eyes of the public, and that works against us, when local communities begin to question the credibility of this law.

And so we have made a recommendation for a differentiation of consequences under the law so that states could address that, to have some innovative ways of dealing and addressing the highest-needs schools.

Chairman MILLER. Thank you.

Mr. Casserly?

Mr. CASSERLY. Yes. Let me not address the issue of overidentification for a second but what might replace this notion of ever-changing or cascading sanctions.

As the committee knows, when No Child Left Behind was passed, it put schools in school improvement I where a set of actions are required, then school improvement II where another set of actions were required, and then corrective action where another set of actions are required, then restructuring.

We have discovered that one of the problems that at least urban schools have, I suspect lots of other kinds of schools as well, is that they are chasing an ever-changing set of activities and procedures without ever having the time over the course of that year, sometimes they have less than a full school year, to implement the procedures in order to see any effect before they fall into the next set of sanctions.

So what we were proposing was combining school improvement I, school improvement II and corrective action into a single 3-year phase devoted solely to school improvement and intervention, where the school would be required to spend the equivalent of 30 percent of its Title 1 money on professional development, other intervention and instructional systems, benchmark assessments

and other kinds of things that we know that schools that are turning around use.

At the end of that 3-year period, if you still could not make improvement in at least 2 of the 3 years, one of two things would happen—I guess, one of three things: One, if you did make improvement, you would go back to the beginning, kind of like in current law. However, if you didn't make improvement, we would look at the degree of improvement, how persistent or pervasive the failure was.

If you hadn't made improvement in two of the three core subjects and that failure involved half or more of the students in that school, then you would fall into a situation where you had to reconstitute that school or close it.

If the nature of the failure, however, misses—more to Ms. Burmaster's point—if the nature of the failure only involved a subgroup or two but that did not involve the majority of the students in that school, then you would be required to do a set of activities that related just to the failure of those subgroups or students.

So we keep the sanctions in the law, but we give the schools time to put in place an instructional system to raise student achievement and to bear down on it in a way that the current law doesn't really allow you time to do.

Ms. BURMASTER. Senator Miller, could I——

Chairman MILLER. Yes.

Ms. BURMASTER [continuing]. Comment along those lines?

What we are hearing from our membership also, the other chiefs, is that this would be an example in this area of perhaps less prescription on the part of the federal government and allowing for innovation at the state level.

For instance, this missing AYP by a little or a lot. You could have a school under the law miss AYP because 94 percent test participation, as opposed to 95 percent test participation. And you could have another school that missed reading and math proficiency for all students. Those are two very different ways of missing AYP.

And if the states had the flexibility to really look carefully at the real data of those schools and then be able to address intervention involving in local school districts parents, the community in the kinds of interventions that would perhaps best help that school in delivering on AYP, continuing, perhaps, they would want to have an extended calendar or offer summer school or——

Chairman MILLER. I am going to cut you off just because of the time. We have a lot of members here. But thank you very much.

I am just concerned that 3 years is a long time in a young child's life, and the question is to get that school to perform.

Mr. McKeon?

Mr. MCKEON. Thank you, Mr. Chairman.

The more I talk to people about this, the more difficult the task I see is before us. We started hearings last year. I think we held four here in Washington, we held one in Chicago. And then I have done quite a bit of traveling around the country in different congressional districts, meeting with people, pulling together groups of parents, teachers, principals, superintendents, board members and trying to find from them what we should do to improve the act.

The process here: We pass an act, then we reauthorize the act, and that is the opportunity to address things that—we start out with an idea and by the time it gets to the end of the road, after the regulations and the implementation and all the process is met, it might be totally different from what we started out to do. And then we find that we have made mistakes or things don't go exactly the way we figured and so we have to come back and readdress those.

We all, I believe, have the same goal, and that is to give every single child an opportunity to reach their full potential in realizing the American dream.

In every one of the meetings I held, similar things came up: What can we do to have more supplemental services, how could that be addressed more, how could that be improved so that everybody knows the opportunities are there? What can we do about improving English-language-learners?

What can we do with special ed, where you have different columns and maybe one student, even, could either pull you down or lift you up in two or three different columns that would have quite a bit of change there? If you have a female minority special ed student, it could pull you up or push you down in those different columns.

Growth models, how that could be used to where you really are testing students against themselves instead of a class that is following along behind them. Qualified teachers versus effective teachers or both, how do they fit the mix.

National standards even came up a few times, and you talked about it in your testimony today. I think that is a problem, but the Constitution spells out what our responsibilities are and what the state responsibilities are, and I don't know that we have the votes to change the Constitution nor the will to do so.

And when we are sitting around talking in groups like this, we are all coming from specialized segments. I sat on a local school board for 9 years and had lots of frustration.

I am from California. Our frustration was more with Sacramento than it was with Washington. And I found that there is a lot of misunderstanding. Some people blame the federal law, when it is really the state implementation of it that is in conflict. And then you sitting at the state level worry about the federal government, the impositions.

Specifically, I had a meeting this morning with some parents from D.C. who are more concerned about parental choice and how they can get their students out of some schools and into other schools.

Mr. Henderson, do you believe that the parents of minority students in schools that are identified as in need of improvement are receiving adequate and timely information about the supplemental education services that they are entitled to under the law? Do you believe they are receiving that?

Mr. HENDERSON. Mr. McKeon, let me answer your question with a slightly broader perspective, because I am a native Washingtonian. I am a product of the public school system here, as well as graduate and law schools outside of Washington. But I am familiar

with the school system in great detail, and my own children were products of the school system.

Let me say to you that, as someone who grew up with one foot in a world of segregated America where apartheid was the law of the land and who started school at the time that the Supreme Court decided the Brown case, I look back over the last 50 years with horror and dismay as I recognize that the promise of Brown has not been fulfilled, not only in Washington, D.C. but in school districts all around the country.

The great irony of the United States being the world's beacon of democracy: having a school system which is subpar in its nation's capital, or within a several-mile radius of the Capitol you have over 100 schools that fail to meet the adequate yearly progress requirement of No Child Left Behind. That is an indictment, which, in my view, speaks for itself.

The issue isn't so much timely information, although let's put that in the mix of things to be considered. And you have outlined, I think, a very complex problem of how you tackle what has been a difficult interaction of issues with respect to providing quality education.

But I guess I would say the following: It is important to disaggregate the requirements of the law, number one, to recognize that there are certain focus efforts which are priority efforts, Title 1 being an example of that.

Title 1 was never intended to equalize funding between rich and poor school districts. That is a problem to be left to the states. This should be providing additional resources that can't be provided at the state level. There has to be a focused recognition that the needs of students go beyond what this statute will address.

For example——

Chairman MILLER. I am going to ask you to wrap up.

Mr. HENDERSON [continuing]. The State Child Information Health Insurance Program is up for reauthorization, and that needs to be a part of the mix. You can't have kids preparing for tests when they can't get eye exams, when they are uncovered by insurance.

My point is this: It is a more complex issue than your question would suggest. It involves many more factors than simply an adequate array of information.

And I would urge those who are most committed to carrying out the requirements of the law that they follow the law, that they follow the law and provide resources where necessary, as the law requires.

Chairman MILLER. Thank you.

Senator Kennedy?

Senator KENNEDY. Thank you. Thank you very much, Mr. Chairman.

Let me just sort of follow along a little bit on what Mr. Henderson mentioned and something also that Reg Weaver mentioned, and that is what is happening in terms of the school dropouts, or the fact that where you have many, as Mayor Street mentioned when the meeting of the mayors—they have 175,000 children go to the Philadelphia systems and 80,000 of them—80,000 of them—

sometime in the year do not show up in school. We heard 20,000 in Cleveland, Ohio, these children aren't attending schools.

And in my hearings around my own state of Massachusetts, I have been absolutely aroused by the fact that so many of the schools that are in an impoverished area, the statements and the comments of teachers that say the problems of poverty have become more intense than they were 5 years ago, that the parents are more played out than they were 5 years ago in being able to participate, the schools have deteriorated over the period of 5 years ago.

And whether we are coming down and looking at all of these points I mentioned in my opening statement, I believe very deeply, how we are really going to begin to get a grip on something which is a matter of national importance, a national urgency. We certainly recognized that in the 1960s that we are going to say impoverished children in this country are going to be a matter of national urgency and a problem.

And I am not sure if we do all the things that have been recommended, and it is a remarkable similarity of things that have been recommended during this, recognize the complexity that we have in getting good teachers in underserved schools and keeping them there. With all of the different recommendations that we have, we have seen some examples.

But how worked up should we be on this? I will watch the time, but if each of you could take a quick crack at it, recognizing I have only got probably a couple more minutes left.

Governor Barnes? And then maybe we will go down quickly.

Mr. BARNES. It is a problem that you should be concerned about. Forty percent in Georgia never graduate.

Let me tell you the reason children leave school. The reason they leave school is they become frustrated at not being able to do the work in high school. Our kids do very well nationally and internationally at the 4th grade level. They fall off the end of the Earth at the 8th grade; they drop out at the 9th grade.

In my view—I want to say this is not in the report, because it was not our focus—and there is a lot of attention on high schools these days. I think we need to remake middle schools, because what happens is children cannot, particularly in math, they can't make the transition, or are having difficulty making the transition, from a quantitative system of arithmetic to a qualitative system of algebra. And so they become frustrated and they drop out in the 9th grade.

We know that if a child completes algebra in the 8th grade, successfully completes algebra in the 8th grade, they have a two-thirds chance of graduating from high school. If they are reading on the grade level by age 4, they have a 60 percent chance.

Mr. HENDERSON. I would associate myself with the governor's remarks.

I would also add, though, Senator, as you, yourself, pointed out, the effects of concentrated poverty today are more serious, significant than they have ever been.

I mentioned before that there are collateral programs like the State Children's Health Insurance Program that needs to be fund-

ed. Well, I will say to you that the crisis is more severe than I think you, even yourself, have identified.

When you are losing 50 percent of black students, over 50 percent of Latino, Native American students, and when only 75 percent of white students are graduating from high school, you have a pending crisis of immense proportion. And 30 years from now, as we begin drawing on the workforce of tomorrow, that problem will become even more acute.

Mr. ROTHKOPF. Yes. I agree really with the governor and Mr. Henderson.

I think one other thing we might be looking at is increasing, if you will, the relevance of high school. Many of the dropouts—and we hear this from our chamber members around the country—many of the dropouts have trouble seeing the relevance of what they are doing in high school to, if you will, the job market and what they do afterwards. They don't recognize the need for it.

So I think we may need to focus somewhat more on career and technical education. I am not talking about reducing standards or the rigor of those standards, but I think we need to have much more of a focus on what happens, at least to those youngsters who aren't thinking about going on to college or post-secondary, as to the relevance of what is being learned in high school.

Chairman MILLER. Mr. Casserly?

Mr. CASSERLY. Yes. I would also like to associate myself with Mr. Rothkopf's remarks. I think a lot of this is students just not seeing the future for themselves in the work that they are doing or the work that they think they might ultimately be doing. And we have to do a better job at the high school level of making that connection.

Chairman MILLER. Mr. McElroy?

Mr. MCELROY. I would concentrate my resources, which are limited, at the other end of the spectrum. I would start with a good, quality early childhood education so that the gap that exists when these kids come to school from high-poverty areas would be lessened or reduced or eliminated. I would put resources into special services to kids who fell behind the first, second, third year of school.

Chairman MILLER. Mr. Weaver?

Mr. WEAVER. We need a comprehensive approach. We have a 12-point dropout plan that I certainly would encourage you to look at, a comprehensive approach. We need community engagement, we need resources for health care and other areas that impact children's learning or children dropping out of school.

Chairman MILLER. Ms. Burmaster?

Ms. BURMASTER. It begins with early childhood to minimize the adverse effects of poverty, and then by the time a child is 12 and they can vote with their feet by attending or not, it gets to student engagement. That requires professional development for teachers to know how to make sense for the young person as to what they are learning in the classroom, how it applies to the real world.

Chairman MILLER. Senator Isakson?

Senator ISAKSON. Thank you, Chairman Miller.

I want to commend Governor Barnes's response to that last question, and it is a reminder to all of us that we are talking about the

reauthorization of No Child Left Behind. The kids that are in the fifth year of No Child Left Behind today, kids that started under kindergarten 5 years ago, are in the 4th grade. If we can get it reauthorized, do some of the tweaking and improvements, some of the things that are recognized, 4 years from now we will have kids leaving middle school, going to high school, under 8 years of No Child Left Behind.

I think that will have a remarkable impact on the dropout rate if they are competing at math and reading at grade level. I commend Governor Barnes in his testimony.

Governor Barnes, you quoted Don Iglesias of San Jose who has a great quote, which I want to read: "Experience in credentials do not always equate to a teacher that effectively delivers instruction, and the 'highly qualified' definition has been problematic in No Child Left Behind."

That quote begs alternative certification as some consideration for an effective teacher. What considerations to alternatively certify a teacher as effective would you recommend?

Mr. BARNES. Well, there is no question that alternative certification has to be part of the production of teachers in the future.

Our problem in teaching is more of a retention problem than it is of training. For example, we do have shortages, and we are going to have shortages, but 40 percent of the teachers leave in 3 years, 50 percent of them leave in 5 years. So you have to have a better retention, and that goes to work quality and some wages, even when you do the summaries and the studies, they say that it is working conditions more than anything else.

Secondly, states like New Jersey, 40 percent of the teachers in New Jersey are alternatively qualified. I do think that we have to make sure that they are qualified as to subject matter, but we also have to—and the byproduct of growth models is being able to use and identify teachers that not should be labeled—and I agree with Mr. McElroy and Reg Weaver—not that should be labeled in any way, but should be helped with professional development. And that is part of the retention.

We have had a very successful alternative. Of course, you were chair of the school board and you know we started it when you chaired the school board, and then we expanded it when I was governor. There are people that want to teach. The first group that we had, we had 4,000 people that applied for 1,500 seats to be alternative certified. Two were physicians, three were engineers, one had a Ph.D. in child literature from Oxford University—not the one in Oxford, Georgia, but the one over in England. [Laughter.]

And they wanted to be teachers, but they did not want to go through all the pedagogy.

Now, should they be taught pedagogy? They should, but there are more ways to learn it than just simply having to sit in the classroom. So I think alternative certification is a thought whose time has come.

Senator ISAKSON. Thank you for that answer.

And just one other question, and I think you inferred it. When you were talking about the growth model—and I am very intrigued by that, because, as Ms. Burmaster said, right now, we have two

alternatives and that is you are good or you are bad, and there is nowhere in between on the needs improvement assessment.

Did I hear you say also that a properly calibrated growth model might also help us not to lose teachers who are leaving the system?

Mr. BARNES. Yes. What happens is the natural byproduct of the data system. If you have a growth model, you have to have a data system that measures where children are where they start and where they end so that you can see if they have made more than a year's progress in a year. That is the whole definition of growth model.

When you do that, one of the natural byproducts of it is that you see which teachers are having the greatest learning gains. And what we recommend is that you take the 25 percent that are having the least learning gains, we don't brand them and we don't say that the test is the sole test, but that you concentrate your professional development in the area. And the effectiveness, the growth learning, should not be more than 50 percent in determining that.

Let me say one other thing, too, about growth models, and this came up, too, about misidentification. We heard a lot about two groups in the disaggregated groups. If we could just do something with these two groups, we would make AYP, and all of you know what it is: English-language-learners and special-needs kids.

We looked at that, we examined it in great depth. What we said in English-language-learners is we kept the time period of 3 years the same but we said that you could average over the 3 years, so you didn't have a new group each year. So it gave some relief on AYP.

On special-needs kids, we adopted basically what DOE has adopted: One percent of them could have alternative methods of assessment and another 1 percent could have supplemental assistance in the assessment.

Now, the reason we did this—and, listen, we heard some horrifying stories from parents too about this, who they thought it was unfair to put their child to meeting the assessment—is the danger of forgetting these kids again. If we don't require them to be counted in the disaggregated, we don't have to worry about them. Then these special-needs kids and English-language-learners become invisible children.

And so they have to remain in the—I suggest to you, and you are going to get a lot of pressure on this and a lot of discussion—they have to remain in the mix of what is being counted. Yes, give some flexibility on the growth, but don't make them invisible.

Senator ISAKSON. Thank you, Governor.

Chairman MILLER. Thank you.

Congressman Kildee?

Mr. KILDEE. Thank you, Mr. Chairman.

I have always believed that education is a local function, a state responsibility, but a very, very important federal concern. It is a federal concern for two reasons: where we live in a very mobile society, people move around the nation, and we are competing in a global economy, so it has to be a very important federal concern.

But how can we prod the states and the local education agencies to do more? I ask that because I left teaching in Flint, Michigan,

on January 1, 1965, when I was elected to the state legislature. That is the same year that ESEA was passed.

The federal government has increased its involvement, its federal concern, has demonstrated its federal concern a great deal in those years. But the quality of education in Flint, Michigan—not the quality of teaching, the quality of education—in Flint, Michigan, has deteriorated since 1965.

Along with the increased federal concern, what can we do to prod, encourage the LEAs, the local education agencies, and the state education agencies, or the state to do more to address what is happening? We have had some tragedies in Flint, Michigan, some real tragedies.

Governor, I will start with you.

Mr. BARNES. I should let somebody else talk.

Well, first, you elect good leaders that understand that education is the building block of our future prosperity. I am going to speak in common parlance of something down my part of the country. Textile mills are never coming back to Georgia, they are gone. And the new product of America—leaders have to understand, the new product of America must be innovation and skills. The new currency is not dollars and cents; it is knowledge and learning. So, first, you have to have leaders that understand that.

Secondly, you have to have accountability. North Carolina has made the greatest progress since 1990 in education of any state in the nation. Did they have all the money in the world? No. They have had more. They had great leaders like Jim Hunt and Terry Sanford and others that saw that education was the building blocks of that new economy. But what they did is, the leadership instilled the need and then they provided more funds, but they provided accountability—accountability for higher standards.

Let me just say one last thing about the standards, because I think that is part of it too. When I was a kid growing up in Mableton, Georgia—I know you would never think I was from the South—but when I was a kid growing up in Mableton, Georgia, I saw that I was going to compete against kids in Marietta, Georgia, or Macon, Georgia. Children now that graduate compete against kids in Beijing and New Delhi and Berlin.

And, yes, I do think that we have to take a look at some national standards. Now, they shouldn't be mandatory—goes back to the issue that you have—but in math and science we have gone on the international math and science test from 17th to 22nd in the last few years. We can't do that and remain prosperous as a people.

And what we recommend in the commission in regard to that is that NAEP, under the same framework, that we devise tests testing the major subjects of math, science and otherwise that NAEP devises. And then if a state adopts those tests that meets the national standards, then it is automatic approval at the DOE that they are married. They don't have to adopt the national standards, but there is truth in advertising.

And I will use my own state as a good example. My own state says that on their test they administer, 80 percent of the children are proficient. You know what NAEP says at 4th grade in reading? Twenty-six percent. My own state says that 80 percent of the chil-

dren in the 4th grade math are proficient, but NAEP says 30 percent.

That is not truth in advertising. It does not instill in those parents and voters the wherewithal to go out there and kick their public officials to raise the standards in Flint, Michigan, because they are being told everything is okay.

And so what the new standards would do: If you don't adopt the new standards, you don't have to, but the DOE is going to print every year to 2 years how you compare on the national standards, so the parents can become involved and push their elected officials to raise the standards and do better. And it can happen.

I will hush. I could go on, but I will hush.

Mr. KILDEE. Mr. Casserly, do you have any comments on that?

Mr. CASSERLY. Well, my first comment is, I am sorry that Flint is not part of our group, because I think we might be able to help them a little bit.

Mr. KILDEE. Come visit us.

Mr. CASSERLY. But one of the things that we are learning from other urban school districts about how it is that they are improving achievement is pretty consistent from district to district. Now, it doesn't mean we have reached the promised land in terms of student achievement; we haven't. It is still low, we still have gaps, but we are making headway.

What these faster-improving urban school districts are doing is built around a clear, sustained agenda for student improvement, clear goals that everybody knows that they are supposed to meet, accountability systems, as the governor said, by which the adults are held responsible for the achievement of the kids, strong curriculum aligned to very good, high-level state standards or national standards, professional development systems on the curriculum and good instruction, ways in which instruction is monitored to make sure that good academic rigor is sustained in the classrooms, good data systems, regular assessments and a clear focus on some of your lowest-performing students.

All of those things locked together systemically is what is really producing the achievement progress in a lot of these big city school districts, and Flint might want to take a look at some of those.

Mr. WEAVER. Mr. Chair, I think also safe and orderly schools, qualified and certified teachers, state-of-the-art technology, parental involvement, counselors, smaller class sizes, challenging curriculum—those are the things that we know work in schools. Wherever you find high degrees of success, you will find almost each and every one of those things existing.

And so I would suggest that we look at the conditions that exist for 85 percent of the richest parents and their children, which is the public school, and implement those same kinds of conditions in Flint and every other system, whether it is rural, urban or suburban, and I think that you will have success.

Mr. KILDEE. Thank you, Reggie. You are always welcome back to Flint.

Thank you, Mr. Chairman.

Ms. BURMASTER. Congressman, could I add also, I would be in full agreement with my colleagues, and I would also add quality early childhood education to the list.

Mr. ROTHKOPF. If I might just add one factor that hasn't been talked about and that is, we think, a critical one, and that is the need for the K through 12 system—and it goes to the standards—to align itself with higher education and with the business community.

I think there has been a disconnect between what K through 12 is teaching and then what is needed to get a good job, a job in your community, as you start changing what is going on and the nature of your economy, and also focus on the business community as well as higher education.

Those groups need to sit down, and part of our proposal is that there be incentives provided to align those interests. We think that is a critical nature and a critical element of what has to be done.

Mr. HENDERSON. I have to add one last point, though, Mr. Kildee, which is that the system you have described——

Chairman MILLER. Do it quickly.

Mr. HENDERSON [continuing]. 93 percent funding from the state, 7 percent from the federal government, moves too slowly to bring the kinds of changes that the system requires. And it will only happen once we redefine the nature of the problem.

This has to be based on rational self-interest, rightly understood at the state level. This is about national security, it is about the global economy. And we are not going to be able to frame this issue exclusively around questions of equity and expect the states to do more than they have already done.

So it has to involve much more of a recharacterization of the nature of the problem and it has got to be federalized in ways that thus far feds and states have been unwilling to do.

Chairman MILLER. Mr. Hoekstra?

Mr. HOEKSTRA. Thank you, Mr. Chairman.

We are heading down a path we are going to have a national curriculum. We have got math and reading. You are arguing for including science; my state is arguing for including history, geography, government, econ and civics. Some are talking about adding technology, talking about adding engineering.

We are going to expand the level of tests. I think there is strong encouragement from this panel to add NAEP as well as science testing so that we can compare it. We will set the standards.

I saw in some of the comments here that we have got to have national standards but not federal standards. Give me a break. How can you have national standards but not federal? And then we will put in accountability measures.

It is amazing to me that we have people like the chamber here today talking about federal schools instead of public schools.

Ms. Burmaster, you are the only one that I see up there that has any concept of freedom. If we define education where we are, I don't think anybody in their opening statements, unless I missed it, talked about parents.

Now, we did "Education at Crossroads," we went across the country, we talked to people at your level, we talked to state administrators, we talked to school administrators. But the person that had the most passion for the highest-quality education opportunity to their kids were parents.

And in this whole discussion about reauthorizing No Child Left Behind, we have made all of you beggars to Washington for more rules, more regulation, fix this rule, add this in, tell us what to do, because without federal involvement we are not going to do it.

Again, Ms. Burmaster, at least you were bold enough to say, "Give me some more flexibility, because I think I can do this better than what—"

Ms. BURMASTER. Give me some more flexibility, because I think I can do this better.

Mr. HOEKSTRA. Absolutely.

Ms. BURMASTER. I am speaking for the chief state school officers.

Mr. HOEKSTRA. Yes. And I think if we gave you more flexibility and we empowered parents and local school districts, it might be amazing what would happen.

I can only find that if this is the model that our business community is articulating and advocating for federalizing our public schools, I can't wait to see their role for making us competitive in the world because they can only ask for more federal guidelines, rules to get where we need to go.

Because, clearly, that is the way that it works for our most important asset in the country, which is our kids, and if we are going to delegate the role of educating our kids to the federal government, it would only make sense that we would delegate the role for our autonomy to the federal government as well.

Ms. Burmaster, what do you see parental choice in this process? If you want more flexibility, does your organization or does the state of Wisconsin see empowering parents in this process at any place?

Ms. BURMASTER. Yes, the organization I want to speak for.

Mr. HOEKSTRA. Right, okay.

Ms. BURMASTER. The organization saw an opportunity again for more parental involvement and the differentiation of consequences. In the state of Wisconsin, we held listening sessions throughout the state over the course of the years, thousands of citizens, parents, educators, business leaders from the state, and it was clear that people did understand that this is a local issue.

We can test all we want, testing the disaggregation of the data, the intent of this law, the attention that has been brought to this very, very serious issue that our long-term economic security, as a state, as community, as a nation, the future of our democracy rests on closing this gap.

People understand that, and this law has gone a long way in creating that sense of urgency. But the work has to be done at the local level, and parents must be involved. And parents do have to have the option to be determining what will contribute to the success of their children.

So the chiefs saw that if there could perhaps be, when you are looking at a school, that a district might even have a parent advisory board that could be looking at making recommendations for what kind of interventions. They have to be involved in the interventions themselves.

I understand the discussion that we are having here, but I appreciate that you have captured really what is the sense of urgency among those of us who are implementing this law and in the

schools on a regular basis, and that is that you have to bring communities to get, and it takes more than the education system working to ensure that we are going to overcome some of the contributors to the achievement gap.

And poverty is probably one of the main issues. And so we are going to have to work in collaboration, community agencies, social service agencies.

Mr. HOEKSTRA. Thank you.

Mr. WEAVER. Mr. Chair, when he mentioned about not hearing in the opening statements any mention of parents, well, you know what I did, I started to look through my opening statement to see if in fact—and I saw McElroy do the same thing.

But just because we didn't mention it doesn't mean that we don't believe that it is important. We absolutely believe that parental involvement is extremely important. And if you will take a look at our positive agenda, you will see that it is up there in terms of importance.

What I hear from parents and what I see from parents when I talk with them, what they want is for their children to be successful. What they want is for their children to go to a school that is safe and orderly. What they want for their children is to have a qualified and certified teacher.

And so anything that does not allow them to have those kinds of things is wrong. And I think that we should do everything we can to make sure that parents in all areas of this country, whether it is urban, rural or suburban, have what they need.

Chairman MILLER. Mr. Payne?

Mr. PAYNE. Thank you very much.

Let me thank the panel for your insights.

You know, I sometimes get amused at this question about the country being concerned about what is happening throughout our nation. When World War II began, we found that, believe it or not, most of our young men going into the Army were malnourished, and so it started the lunch program in elementary and secondary schools. It was a national defense thing. If we left it up to every individual town and state, we probably would still have people who were malnourished, as we found out in World War II, and we couldn't put an army together.

When we found out that the Russians had put the Sputnik on and they were way ahead in math and science, even though they were one of the poorest countries at that time, we turned around and started the national defense. We had to put in a war-sounding bill, because we said the National Education Act probably wouldn't pass. We called it the National Defense Bill, and we were able to get educational loans for kids, minority kids who couldn't get loans to go to college.

When we looked at Title 1, we found that schools were just ignoring poor kids, and that is why Title 1 began in 1965.

And so my point is, as my friend who has left has said, we should keep the federal government out. Government which governs least is best, stays the same. Evidently, we don't have the authority or the will on local levels. We wouldn't have to have had a Brown v. the Board of Education if we had the will throughout our country.

And so I really get amused at people saying, "Let's keep away from national involvement."

Also, the folks that are so interested in parental choice, I see a new bill is going to be introduced about vouchers again. The ones who are the main proponents, I have never heard them talk about vouchers in their districts. It seems like the voucher proposals are people who somehow feel that this is the only way we can do it. However, their public schools are great. But let's do it in the urban schools.

I don't hear people talk about vouchers in my district, which is very diverse. The richest community in the United States is in my district, and, believe it or not, just about the lowest amount of homeownership, 22 percent, is in another part of the district where average homeownership in this country is about 75 percent. But the people up there in that richest community, they are not talking about school choice. They have school choice because they have it right there in their own community.

So there is a lot of hypocrisy that is going on.

As a former teacher, I decided to start in secondary school and taught at now Mount Shabazz High School in Newark; it was Southside High School then. Stayed there for 3 or 4 years, decided to go into junior high because I wasn't satisfied at what was coming to the high school. Taught in the so-called middle junior high school for 3 or 4 years and then went down to elementary, believe it or not, just to see about how it was.

A few things were the same. One, the attitude of the teachers. We would go to a school where teachers felt the kids could learn, would put things together, and the kids had a better attitude. We would go to other schools where they didn't care, teachers that didn't care, and the kids didn't learn.

Let me just say get quickly before my time runs out, I guess it is about out, we have a problem with qualified teachers, period, no question about it, substandard schools.

I just would like—and I want to associate myself with Wade Henderson—to talk about a total program. You are not going to have a kid who died in Washington, D.C., because of a toothache and couldn't get a doctor to see him because he was on Medicaid and couldn't get a dentist to see the boy is dead. Here in Washington, D.C., in the view of the Capitol of the world's greatest democracy. Makes no sense.

So my question is, how can we get—what do you think, maybe Reg and the president of AFT and Wade—qualified teachers in the hardest-to-handle schools? What can we do to try to get them, since we do find that in the toughest places to teach we have, generally speaking, teachers who leave to go to other districts when they get an opportunity?

For anyone who would like a stab at that.

Mr. MCELROY. I will take a shot at that, if I may.

Mr. PAYNE. Thank you.

Mr. MCELROY. Thank you for those comments.

I think Governor Barnes said earlier, and it is important to remember, that we bring a lot of people into the profession. We lose them very quickly. Lose 50 percent of them in 5 years; actually, in large urban districts, we lose 50 percent of them in 3 years.

So the issue is, how do you retain those people in urban centers, in hard-to-staff schools?

And the question is, look, professional development, the kind of professional development you talk about was done in the 1960s, frankly, under the National Science Foundation Act, and there were grants for teachers to work during the summer to go through those programs. We should reinstitute that, it would seem to me, or we should look at that.

The second thing is, you have to provide incentives to people to work in those schools.

The third thing is that you have to create the environment that we were talking about originally around the school. What happens when the kid comes there? Are there provisions for medical care? Are there provisions for a decent, not only medical care, but nutrition programs?

And we are phonies in a lot of ways about what we think about school. We say to the kid, "Look, it is the most important thing you do in your life," and then not too far from this building, there are some of the most decrepit schools in the country. You can't say to a kid that education is the most important thing you do and then have them walk into a building where he knows it isn't.

So there are a lot of factors here.

Mr. WEAVER. In addition to what Ed said, mentoring and induction programs. You know, sometimes we are very cruel to new teachers coming into the system. We put them into a system with overcrowded classrooms, no help and then expect them to be successful. It is not going to work like that.

Also, give them the respect, the support, make sure they have an atmosphere that is safe and orderly and give them some pay, and you will be able to get people coming into these areas that we typically don't have them coming into now.

Chairman MILLER. Mr. Castle?

Mr. CASTLE. Let me thank you, Mr. Chairman.

This is an excellent panel with a diversity of opinions and views but coming out, in my judgment, with the same conclusion, and that is that No Child Left Behind is fundamentally very good for education but may need some changes or shifts, and for that we are very appreciative.

I think we, as Democrats and Republicans up here, feel the same way, that we do need to continue to move in this direction.

Let me ask a question. I am not sure if any of you are really experts on this or not, but one of the areas that has been suggested that we are now trying, through the Department of Education, is this so-called growth model, that instead of having just adequate yearly progress, having a growth model for schools in which adequate yearly progress may be too much of a reach in 1 year.

I would think it is very likely this may be included in whatever we end up doing in No Child Left Behind this year. But I wonder if any of you have any comments on the various pilots that are going on right now or any other thoughts about what should or should not be included in some sort of a growth model for measuring school improvement from the beginning of the year to the end of the year.

Mr. BARNES. We do recommend a growth model. The DOE is, of course, doing the pilots, as you set forth, and, really, in talking to Secretary Spellings and how they chose the pilots, remember you have got to have a data system. Growth models don't work unless you have a data system. So what limited her from granting more waivers was lack of a data system.

It is not inexpensive. We recommend $400 million over the next 4 years, $100 million a year, and of course that is only going to be a portion of it. In Georgia, it costs us about $70 million to get the data system, because every child has to have a unique identifier. Now, the growth models shouldn't hide how you are really making progress.

And what we recommend is that you have to be on grade level within 5 years. In other words, you have to be making—you just don't put a growth model out there and say, "Well, they made a little progress over"—that you have to make more than a year's progress in a year and that within 3 years you have to be on grade level.

We believe, and we talked much about it, and the two school officers were very much in favor of it also when we heard testimony from them. We think this will soften some of the AYP harshness that you have been hearing about, that it will not misclassify and demoralize a school that is making good progress and probably going to make it in a little while but didn't make it this year.

So we are very much in favor of growth models.

Mr. HENDERSON. The Leadership Conference on Civil Rights sees growth models as potentially having useful and important contribution to be made, but I think the pilots that are currently under way within the department we have not fully assessed. We do have some concerns.

We think you can measure subgroups, cohorts in a way that can be very effective, but we are concerned, for example, about how you measure English language learners who make rapid progress over a short period of time and then have to be factored into a larger model.

I guess what we are waiting to see is how the department conducts its pilot programs. We would like to evaluate them before we issue a definitive view.

Mr. ROTHKOPF. Congressman, I think our view of growth models is, yes, they ought to be tried, they are being tried.

Our concern would be that if there is an effort to move away from a rigorous group of standards and also to try and move away from that 2014 deadline. No one has mentioned that this morning. We think it is critical to stay with the requirements of 2014. As we know in the business communities and many parts of our economy, if you set a standard, you have got to stick with it and try and meet it and not slip from that.

So growth models, if they are applied in a rigorous, systematic way, with the right kind of data, fine, but if they are a way to get around the statute and find ways to not meet the important goal that you all set 5 years ago, then we would not favor it.

Mr. CASSERLY. Just one point very quickly: I suspect the Department of Education growth models aren't going to really tell this committee very much, in part, because they have only been ap-

proved on a couple of states, and they are growth models that are automatically tagged to the 2013-2014 deadline.

So I would urge the committee to look a little more broadly, not necessarily to get rid of the 2013-2014 deadline, I agree with Mr. Rothkopf's point, but let's look a little more broadly at the various possibilities of models here and not lock ourselves in just to the ones that the U.S. Department of Education is testing.

The Delaware model, by the way, I think is particularly promising.

Mr. MCELROY. I would agree with that. I also agree that it is principally data-driven, and so you need to have the data in order to do this.

I would also say that the current pilot programs are not flexible enough. In other words, there has to be some understanding that there could be a variety of different ways to assess and measure growth.

Mr. WEAVER. We support the growth model as well. It is just a matter of coming together to determine what kind of growth model are you talking about, what it is going to take to have something incorporated as law that everybody can pass.

Ms. BURMASTER. The first recommendation of the chief state school officers is that they be able to submit status and growth models upon peer review, to be found statistically valid and reliable so that we could indeed address this very important area of really being able to look at individualized student growth over time, which is the key to closing the gap in achievement.

Mr. CASTLE. Thank you, Mr. Chairman.

Thank you, panel.

Chairman MILLER. Thank you.

Mr. Andrews?

Mr. ANDREWS. Thank you, Mr. Chairman.

I thank the panel.

Mr. Chairman, 6 years ago when we started discussing the first draft of No Child Left Behind, there was an argument about whether accountability standards should be linked to Title 1 money. I think it is a measure of progress that today's discussion is about how they should be linked to Title 1 money. I think that is more than just a rhetorical achievement.

I want to ask a question about how AYP is calculated and invite any of the panel to answer it.

Today, in my school district, the 8th graders are taking the New Jersey standardized test, the math section of it. And when the results come in, their performance will be measured against last year's 8th graders, this year's 9th graders.

It is entirely conceivable that because this year's 8th graders are a very high-achievement class, my daughter is in the class, and last year's 8th graders may not have been as adept, but the school will be measured as going backwards in 8th grade math.

Wouldn't it make more sense to do longitudinal testing and measure this year's 8th grader against their performance last year in the 7th grade and the year before that in the 6th grade? And if not, why not?

Mr. BARNES. Yes, it makes sense, and that is part of the growth model that you have. But what makes more sense is what should

an 8th grade student know in math to be on track to be competitive as a worker, as a student elsewhere. And so that is the part of the NAEP.

NAEP comes in and measures your state criterion test against that, and one of the things that we recommend here is that—and I am sorry that my distinguished brother left—we are all part of the United States, so there is a national standard. We tried that a few years ago, and it didn't work down south.

Mr. ANDREWS. Well, Governor, if I may, because my time is limited, do you or do you not favor longitudinal testing? That is what I am asking.

Mr. BARNES. I do in the context of a growth model but not as to take the place of NAEP.

Mr. ANDREWS. Okay.

And how about the other panelists?

Dr. Rothkopf? President Rothkopf?

Mr. ROTHKOPF. Yes, Congressman, I think the key goes back to a point about data, and I think your question really goes to what is the quality of the data, the longitudinal data.

We did the report I referred to where we evaluated each state, and one of the subjects was data quality, and there is something called the data quality——

Mr. ANDREWS. I don't mean to interrupt you but I am limited. Do you or do you not favor longitudinal testing?

Mr. ROTHKOPF. What was that?

Mr. ANDREWS. Do you or do you not favor longitudinal testing?

Mr. ROTHKOPF. I think it is fine. I think it is good, but I think you have got to have the data, and I think it is very important that states, including New Jersey, which has not really gone as far as a——

Mr. ANDREWS. But if I may, this really isn't a data problem. If you have a school with 50 8th graders and 90 percent of them passed the test last year and only 80 percent of them pass the test this year, that school is going to be, as I understand it, categorized as not making adequate yearly progress for this year. And you are not measuring the same kids. You are measuring last year's kids against this year's.

That is not a data problem; that is an interpretation problem.

Who else has an opinion on that?

Ms. BURMASTER. That is one of the biggest complaints about AYP.

Mr. ANDREWS. Do you favor longitudinal testing?

Ms. BURMASTER. Yes, or growth models. Longitudinal testing would be one form of growth models or part of a growth model.

Mr. ANDREWS. Mr. Weaver, what do you think?

Mr. WEAVER. When you say longitudinal testing, are you using it synonymously with growth model?

Mr. ANDREWS. Well, of course, growth model means a lot of different things. Here is what I mean. I mean that I don't believe that a school should be held accountable based upon a negative assessment that one group of children slipped back when it was a different group of children. Let me unpack that.

I think that if this year's 8th graders don't do as well as last year's 8th graders, that doesn't necessarily say anything about the

school; it may say more about last year's 8th graders. That is what I am talking about. So we are comparing the same children to the same children and their growth.

So I guess, yes, I do mean the same as growth models in that respect.

Mr. WEAVER. Okay. Well, oftentimes, we get caught up in labels, and so that is the reason why I was asking were you using synonymously longitudinal and growth models. But rather than use a label, I just want to look at what the issue is and try to work to solve and resolve the issue without attaching a term to it.

Mr. ANDREWS. Mr. McElroy, did you have anything?

Mr. MCELROY. I agree that that is one of the biggest problems with AYP currently, that you are measuring one cohort of kids against a different cohort of kids the next year. So I would agree with you. How you do that, whether you use one kind of growth model or another is the issue that is the jump ball.

Mr. ANDREWS. Thank you, Mr. Chairman.

Thank you, Mr. Casserly. You win the prize. [Laughter.]

Chairman MILLER. Mrs. Biggert?

Mrs. BIGGERT. Thank you, Mr. Chairman.

We hear, at least I have roundtables throughout my district to talk to business groups, to talk to the administrators, to talk to teachers, whoever wants to come in and talk about No Child Left Behind, and so many times it is said that there is so much pressure on meeting AYP that the focus of the curriculum is teaching to the test.

And I know, Mr. Rothkopf, you talked about how we need to place emphasis on science, engineering in order to ensure that we are able to compete globally, and I think that that is really true. So are we limiting the curriculum too much?

I just have a couple of things.

The other thing is that the administration zeroed out the Perkins Fund and so we went back, I think, and put that back in. In talking to other groups, there are students who do not intend to go to college, and those are the ones that when they get to high school start to want to drop out.

Going out to the vocational schools in my district, I met with some great success stories that kids had wanted to drop out, there happened to be a great teacher that got them interested. They wanted to work on cars. Well, they got to work on cars but they also then had to take those courses in math and reading to be able—or if they were going into construction, to have those skills. And the business community said, "These are the kids that we need in our workforce that are not getting the training because they drop out of school."

So I think that how are we going to balance that type of student that is really necessary unless we can engage them and have the time to do that and not just think of it as teaching to the test?

Mr. Rothkopf?

Mr. ROTHKOPF. Yes. I think you have put your finger on what is, I think, one of the critical issues we face in this whole dropout issue.

The difficulty is that—let's take the job of being what we used to call an auto mechanic. It was a pretty simple kind of thing. You

change the oil, you fix the carburetor, do the plugs. That is not it anymore; you have got to be a technician. You go in and see what is wrong with your car. You need to be able to deal with computers and problem-solving and manuals. You have to have an awful lot of schools to take a job which used to be considered a semi-unskilled job, which now requires a fair number of skills.

I think what we need to be looking at is a track, not one that sort of treats those youngsters who want to go into vocational fields as a lesser track, but one which really focuses on technical and career skills and gives them a reason to stay in school because there is an end game there, and it is not learning some things which are not relevant.

The truth is, they need to have the knowledge, they need to have the skills, and we need to make sure they have them. But we need to clearly have an approach that keeps them in those schools by making things more attractive to them and showing them what is at the end of the day.

Mrs. BIGGERT. And then just one other issue that has come up, and there has been some talk here about the need for physical education and perhaps bringing that in to NCLB. Illinois happens to be the only state that mandates physical education every day, and I know there has been some—whether it is called recess sometimes now—but there has also been some studies that without the physical education, the kids don't learn as well, don't learn fast.

Has there been anybody who can say anything about that? Is physical education getting lost because of the pressure of the academia?

This really is something that, to me, little boys, when they are in 3rd and 4th grade, if they had just that half an hour to run off that energy and then come back, that the learning takes place in a much greater way right after recess.

Anybody have comments on that?

Mr. WEAVER. I think many parts of the curriculum have been cut back as a result of No Child Left Behind. And, in many instances, many children may not be receiving the well-rounded education that we would like to have, which is inclusive of phys ed, simply because many people are focusing on reading and math.

So, hopefully, there should continue to be room for the inclusion of civics education, physical education, arts and other areas of the curriculum, if in fact we want our children to be well-rounded in terms of their education.

Mr. CASSERLY. I don't have anything specifically on physical education, although I agree with your underlying point.

But one of the things that might help correct some of the unintended side effects of the provisions in No Child Left Behind would be to reorient some of the law around instruction and some of these other areas that people are concerned about rather than quite so many procedural things that sometimes have us chasing our tails a little bit.

Mrs. BIGGERT. Thank you.

Chairman MILLER. Mr. Scott?

Mr. SCOTT. Thank you, Mr. Chairman.

I thank all of our witnesses.

Mr. Henderson, you mentioned as one of your five standards the appropriate resources, and you talk about the promise of Brown. Is funding equity necessary to achieve the promise of Brown?

Mr. HENDERSON. Mr. Scott, I think funding equity is a critical component in achieving the fulfillment of Brown.

And as I pointed out in my remarks, first of all, Title 1 of the Elementary and Secondary Education Act was not intended to equalize funding between rich and poor school districts within the same state. That was really intended to be a state function.

I am sorry that Mr. Hoekstra left, because he talked about the willingness of states to carry out their mandates to their citizens. And I think there is ample evidence to suggest that states not only have ignored that responsibility but, in many instances, worked against it.

So, truly, there does need to be a recognition of the reality we confront, and Title 1 is certainly there to supplement what states have failed to do in their equity efforts.

But having said that, state equity initiatives have been woefully underfunded; they are not being funded fully now. I think we are still dealing with the effects of that.

No Child Left Behind is certainly providing us with a new federal standard that is moving us in the right direction, but, again, the dichotomy between states that provide 93 percent of their resources for public education and only 7 percent coming from the federal government, it does seem to show the imbalance that can only be rectified by having the feds continue to prod in the direction.

Mr. SCOTT. Thank you.

Senator Kennedy mentioned the School of Newport News had done extremely well. Part of that is we put extra funding into that school, and it makes a difference.

Ms. Burmaster, you mentioned—and several mentioned—sanctions and what is appropriate. And some of the sanctions would be totally inappropriate. If a school isn't teaching, giving the students supplemental educational services seems a bizarre reaction. And if limited English proficiency students aren't learning, letting other students get out the backdoor and go to another school doesn't address the problem.

Is there something in No Child Left Behind, or does there need to be, when a school fails to make AYP, an assessment of what the problem is?

Ms. BURMASTER. Yes, and in our proposal——

Mr. SCOTT. Is that in the bill now or does it need to be in the bill?

Ms. BURMASTER. It needs to be in the bill. And our proposal, through our innovative models and then based on peer review, whether it was a valid model or not, could incorporate those very types of things.

Mr. SCOTT. Okay. We talked around about the dropout rate. Dropouts are correlated with unemployment, underemployment, welfare and crime, and, obviously, if you let kids drop out, they are dropping out from the bottom, your testing average will go up if you let people drop out.

We thought we had addressed this in the original No Child Left Behind by punishing systems with high dropout rates. I guess my question is, are we counting the number of dropouts accurately, and are we punishing schools sufficiently to discourage letting students drop out?

Whoever?

Ms. BURMASTER. Do you want to go?

Mr. CASSERLY. Mr. Scott, I don't know whether we are counting dropout rates exactly accurately. There are a number of different methodologies that one could use to make this calculation. I think by any of the methods that are currently being discussed, at least many urban schools and urban school districts and many poor rural ones have dropout rates that are way too high no matter what the methodology is.

And I think we have got just a huge national problem that we need to address on this front and also involving the reform of our high schools.

Mr. SCOTT. I wanted to get in another quick question before my time runs out, and that is the perverse incentive that may occur when you are focusing your attention just on those students right above and below the cutoff rate. If somebody goes from zero all the way up to 50, you get no credit because they still failed.

Does the growth model address this problem where you would in fact get credit for bringing people almost up to passing but not quite?

Ms. BURMASTER. It is important that we don't just start using the term, "the growth model," as though there is some sort of agreement as to what that is, but, certainly, a growth model could address that.

And if I could add——

Mr. SCOTT. Thank you.

Mr. Chairman, could I get—Mr. Chairman? Mr. Chairman, could I get the witnesses to address that question in writing? Thank you.

Chairman MILLER. If you would, please.

Mr. EHLERS. Thank you, Mr. Chairman.

Chairman MILLER. Only if they provide the correct answer to what that growth model will provide. [Laughter.]

Mr. Ehlers?

Mr. EHLERS. May I put the same restriction on my question? It is no secret that I have been a strong proponent of math and science education over the years, but it is not just because I think students should learn math and science and it is not just because I think since I know it everyone should know it.

The main point is years ago I saw what was going to develop internationally if we didn't improve our math-science education, because I saw what China and India and other countries were doing. And now it has happened, and we are losing ground competitively. And so it is all, at this point, a good deal that is about competitiveness.

In spite of that, we have actually gone backward on math-science education and teacher training with No Child Left Behind. Originally, as it left this House, it was a good bill. It did provide for adequate funding for that, but before we passed No Child Left Behind,

we provided $485 million per year in funding for the Eisenhower Professional Development Program.

What passed this House was a program, which I put in, that would require states to set aside at least 15 and up to 20 percent of their Title 2 teacher quality grants for the Math/Science Partnership program. Unfortunately, that was dropped during conference.

Since then, we have spent considerably less than we did before on the Eisenhower Program, and I certainly hope in this version of No Child Left Behind we will go back to the higher level, because we are not doing our nation any good and not doing our kids any good if we don't provide teacher development funding in math and science. It is the one area they probably need it the most.

Many science teachers, for example, have reported they have little, if any, funds available for professional development activities at this point, and I think having properly trained teachers in math and science is the best way to tackle the problem. It is not new textbooks, not new curricula but properly trained teachers.

I would appreciate if the witnesses would comment in the time available on the level of development they have seen available for math and science teacher professional development and any other thoughts you might have on the appropriate way to create a set-aside for that.

And I would like to start with Ms. Burmaster, since she is right on the front lines there.

Ms. BURMASTER. I am in absolute agreement with you. And I believe that the recruitment of math-and science-trained individuals are—the governor had spoken about alternative certification. Being able to recruit from industry and commerce is an important component of this as well. But there is not currently enough done on professional development around math and science or recruitment.

Mr. EHLERS. Let's just go down the line.

Mr. WEAVER. I would agree, but I also would certainly like to see more opportunities presented to minority students who have not typically had the opportunity to participate in such programs, such that they can become part of America's future in terms of science and math.

Mr. EHLERS. That is crucial.

Thank you.

Mr. MCELROY. I agree with your contention and your premise. There are several opportunities for professional development, and one of them a teacher sent us. As a matter of fact, Chairman Miller and Chairman Kennedy introduced a bill on that, and we would be very supportive of that concept.

Another one of these summer institutes that I mentioned four teachers, which we used to do many years ago, congressman, and we have dropped back and don't do. And then in an organization like mine, we have our own professional development program called, Educational Research and Dissemination where we go out and actually train people, and math is included in that program.

Mr. EHLERS. Let me just comment. Twice I taught NSF professional development summer institutes, and they were invaluable to the teachers.

Mr. CASSERLY. Mr. Ehlers, I am in accord with your general emphasis on math and science and professional development.

First of all, let me just congratulate you on your national standards bill.

One of the things that we have learned from the data that we have been collecting on our urban school districts is that the area where we have got the fewest highly qualified teachers are in the area of math and science. So in addition to professional development, we need a much greater emphasis not only recruiting but retaining and supporting math and science teachers, as well as the professional development.

Mr. ROTHKOPF. If I might, we, in the business community, believe that innovation is the key to American competitiveness. Math and science is critical, so I commend you on your approach.

A couple things I would note——

Chairman MILLER. No, no, no, you don't get a couple things.

Mr. ROTHKOPF. No, one thing. Can I give you one thing? And I would just make one point, and that is in the time to train these new teachers, I think we need to consider the possibility of bringing in teachers from, for example, industry to support, to teach the math and science and have qualified teachers.

Chairman MILLER. Mr. Henderson and Mr. Barnes, quickly.

Mr. HENDERSON. We completely agree with your analysis and support it wholeheartedly.

Mr. BARNES. I agree, and I think that math and science teachers deserve to earn more than others that are in shortage areas.

Mr. EHLERS. I agree, but I have had a little trouble selling that.

Mr. BARNES. I can imagine.

Chairman MILLER. Mr. Tierney?

Mr. TIERNEY. Thank you, Mr. Chairman.

If the panel would be so kind as to, on a scale of one to five, with one being the most urgent and five being not very urgent, tell me what you think about a universal preschool program and its impact on the K through 12 population and whether that is something we ought to be starting with and focusing on.

Governor?

Mr. BARNES. Georgia is the only state in the nation that has a 4-year universal pre-K program. It is very important. It has helped us close the achievement gap.

If I had it to do—this is speaking beyond No Child Left Behind Commission—if I had it to do over again, if I were redoing public education, I would do away with the 12th grade and make it optional if you don't need the extra time and take all the money from the 12th grade and put it into early childhood. Now, you will never do that because of football, but that is what ought to happen. [Laughter.]

Mr. TIERNEY. Well-said.

Mr. Henderson?

Mr. HENDERSON. I think clearly childhood development is critically important.

Mr. TIERNEY. I am sorry, sir. Is your microphone on?

Mr. HENDERSON. I am sorry. I think that early childhood development is critically important. On a scale of one to five, I would, sort of, put it somewhere around a 1.5 or 2 at the very latest.

I do think, however, that it has to be augmented with the other things that children need that would not be a part of early childhood education. So, again, health care, food programs——

Mr. TIERNEY. So you are thinking of, sort of, an early Head Start.

Mr. HENDERSON. Yes, early Head Start but much more broadly, and I think you are on the right track, so we completely agree with that.

Mr. ROTHKOPF. We think it is important. I am not sure I can put it on a numerical scale. It is an important feature to have the kids go to school qualify to really start learning.

Mr. TIERNEY. If I could just stay with you for a second, Mr. Rothkopf. So you don't think it is that important that you can't put it on the scale and you wouldn't say it is one end of the scale or the other, sort of in the middle about it?

Mr. ROTHKOPF. We think it is important. We haven't really—I would have to say we are focusing more on some of these other issues and, frankly, haven't really addressed pre-school as a subject.

So I think it is important. I can't say it is as important as some of the other subjects that we talk about.

Mr. TIERNEY. That is interesting.

Mr. CASSERLY. As long as this isn't an either/or, I give this one a one.

Mr. MCELROY. I would give it a one as well.

Mr. WEAVER. One.

Ms. BURMASTER. Research confirms, and every parent agrees, the first years of life lay the foundation for all future learning. I would give it a one.

Mr. TIERNEY. Thank you.

I yield back, Mr. Chairman.

Chairman MILLER. Thank you.

Our last questioner will be Mr. Keller. Mr. Keller is recognized.

Mr. KELLER. Thank you, Mr. Chairman. I will try to be quick here since we have limited time.

A somewhat controversial issue under No Child Left Behind is President Bush's proposal to expand testing to each and every year in high school.

Starting with Ms. Burmaster, do you support or oppose this proposed expansion of testing?

Ms. BURMASTER. Our organization does not support that.

Mr. KELLER. Okay.

Mr. Weaver?

Mr. WEAVER. We do not support it.

Mr. KELLER. Mr. McElroy?

Mr. MCELROY. Not until we get what we are doing now right.

Mr. KELLER. Mr. Casserly?

Mr. CASSERLY. Oppose.

Mr. KELLER. Mr. Rothkopf?

Mr. ROTHKOPF. Not every year, but we ought to have some expansion of No Child Left Behind to high school.

Mr. KELLER. Mr. Henderson?

Mr. HENDERSON. We don't support it.

Mr. KELLER. Governor?

Mr. BARNES. No. The administration does not count that toward accountability. We do recommend that you have a 12th grade test in addition to the 10th grade that is linked to accountability.

Mr. KELLER. Okay.

My final question: The single biggest complaint I get about No Child Left Behind is the inconsistency between the state and federal accounting systems.

To give you an example, in my state, we use one single test, called the FCAT, in Florida, for both the state's A-plus program and the federal government's No Child Left Behind Act. Approximately, 90 percent of schools get a passing grade from the state's A-plus plan, and approximately 90 percent of schools fail to meet the federal AYP standard. It sends a pretty confusing message to parents who are moving into neighborhoods and ask, "Is this a good school?"

I understand the reason for the confusion, but it is not easily articulated to parents. You have seven different subgroups, under each subgroup you ask two questions: Did you test 95 percent of the students, and did they make a passing score?

So you could have an excellent school, which receives an A-plus on the state level, and they pass 13 out of the 14 subcategories, but because they only tested 94 percent of the Down's Syndrome students in a special-needs class, they are considered a failing school under the federal government.

My question is, should the states and the federal government better align these dual accountability systems to ensure that parents are given clear and consistent information on their children's schools? And if so, how?

Let me start with Mr. McElroy.

Mr. MCELROY. My answer would be, yes, to the question, and I want you to know it isn't only in Florida that that is a problem. We hear about that throughout the country.

If you modify the AYP measuring system or accountability system with several of the other kinds of growth models, you could clear that problem up.

Mr. KELLER. Ms. Burmaster, let me go to you.

Ms. BURMASTER. I think that we hear of that problem as well in our organization, and I think you could do it through the innovative model proposal that we have submitted.

Mr. KELLER. What if you have something, instead of just saying yes or no, let's say that you meet 90 percent of the criteria, that is excellent, and if you meet 80 percent, that is good, and if you meet 70 percent, that is average, something where you have a sliding scale of evaluation.

Mr. Weaver, what do you think of that approach?

Mr. WEAVER. I don't know. I don't know. But in response to the question that you just asked previously——

Mr. KELLER. Yes, sir.

Mr. WEAVER [continuing]. Multiple measures is something that I do believe would aid and assist what you have suggested as a problem.

Mr. KELLER. Okay.

Mr. Casserly, what do you think about should we do a better job of bringing these dual accountability systems into line? And if so, do you have some ideas about that?

Mr. CASSERLY. Yes, I think we should do a better job, and I agree with you, it does cause a lot of confusion in the public.

We don't have a set of proposals about how to do that, but I am happy to think some of those through and see if can get some for you.

Mr. KELLER. Thank you.

Mr. Rothkopf, your thoughts?

Mr. ROTHKOPF. Absolutely ought to be more alignment between the two systems. Too much confusion and that weakens the sense of commitment on the public side for accountability.

Mr. KELLER. Mr. Henderson?

Mr. HENDERSON. And I think greater alignment certainly makes sense, although with respect to your proposal about categories of excellence, I am not sure that I could really speak to that. It sounds as if you are weakening standards inadvertently by creating these general categories of accountability, which seem to be weaker than the current standard.

So while I think there needs to be alignment, I am not sure that I could go——

Mr. KELLER. Governor, I want to close by you addressing those questions, and as your chief competitor, University of Florida being the reigning national champions of football and basketball, if you want to comment on——

Mr. BARNES. So we have heard 6,000 times. [Laughter.]

Mr. KELLER. Go ahead, Governor.

Mr. BARNES. Yes, they should be better aligned. And this goes back to this issue—I wish Mr. Ehlers was here. Don't we know what an 8th grader should be learning in math? We do because the National Foundation of Science tells us.

So we tell NAEP, "Devise a test." All right. We test the child and either they pass or they don't or they rank in the proficiency basic or whatever, and then if your state standard does not comply with that, tell the parent and tell the policy-makers, "You have got a bunch of weak standards, and they are not meeting the national test."

Thank you.

Chairman MILLER. On that coalescing note——

[Laughter.]

Let me certainly thank the panel for your time this morning, for your answers to the questions and for your contributions.

And, again, I want to recognize that it wasn't just about appearing at this panel. You have all been working and your organizations have been working very hard over the last several years to improve No Child Left Behind.

I would like to recognize also that we received written testimony from the PTA, the American Association of School Administrators, National Association of State School Boards, the National Association of Secondary School Principals and other organizations will be submitting testimony for this hearing.

Again, thank you.

And I want to thank all of my colleagues in both the House and the Senate committees for their attendance this morning. Thank you very much.

And with that, the committee will stand adjourned.

[The prepared statement of Mr. Altmire follows:]

Prepared Statement of Hon. Jason Altmire, a Representative in Congress From the State of Pennsylvania

Thank you, Mr. Chairman, for holding this important hearing today on the reauthorization of No Child Left Behind. It is a privilege to be joined by our colleagues from the Senate as we begin to discuss how to improve elementary and secondary education in the United States, and ensure our children are provided with the skills necessary to be successful and productive in the global economy.

I would like to extend a warm welcome to today's witnesses. I appreciate all of you for taking the time to be here and look forward to hearing from you.

No one can disagree with the goals of NCLB. We must ensure that all children can read and perform math at grade level by the 2013—2014 school year. However, what means are used to achieve this goal and how this goal is measured are critically important.

While there has been some success since NCLB became law in 2002, there are clearly areas where reform is needed. Some problems with NCLB can be attributed to insufficient federal funding for mandates the law placed on states. However, it is important we do not use the lack of funding as an excuse to overlook other shortcomings in the law.

Among other issues, we must examine whether current tests accurately gauge student knowledge, if the results of these tests are being used to fairly judge which schools are making adequate yearly progress, and whether the interventions for failing schools in NCLB are effective and what other interventions may be more effective.

I am anxious to hear the ideas of the witnesses here today. I believe that working together we can dramatically improve NCLB and, as a result, greatly improve the education of millions of children.

[The prepared statement of Mr. Ehlers follows:]

Prepared Statement of Hon. Vernon J. Ehlers, a Representative in Congress From the State of Michigan

Chairman Miller, Senior Republican Member McKeon, Chairman Kennedy, Ranking Member Enzi, I thank you for holding this very important bicameral hearing on the reauthorization of the No Child Left Behind Act today.

I support the No Child Left Behind Act, but recognize that we need to fix some things. In particular, we need to strengthen NCLB's focus on math and science education and create equity among states.

High quality math and science education at the K-12 levels is extremely important to ensure that our future workforce is ready to compete in the global economy.

I have been so concerned about the quality of math and science education in this country, and the limited number of young people who are pursuing math and science-related degrees, that I founded the House STEM Education Caucus with my Democratic colleague Mark Udall of Colorado in 2004. As you probably know, STEM stands for "Science, Technology, Engineering, and Mathematics." The STEM Education Caucus has helped to inform our colleagues about the growing demand for science and math training in the workforce and the needs of our future economy, and more than 100 Members of Congress have joined this caucus.

To improve our math and science education content standards, Senator Chris Dodd and I introduced the Standards to Provide Educational Achievement for All Kids (SPEAK) Act (H.R. 325), which creates, adopts and recommends rigorous voluntary American education content standards in math and science in grades K-12. NCLB has made important strides toward strengthening standards-based education and holding states and schools accountable for ensuring that our students are learning. However, with more than 50 different sets of academic standards, state assessments and definitions of proficiency, there is tremendous variability across our nation in the subject matter our students are learning. The bill tasks the National Assessment Governing Board, in consultation with relevant organizations, to review

existing standards and to review the issue of course sequencing as it relates to student achievement.

I might add that there is considerable variation across states and even school districts in the sequencing of math and science courses, which is problematic for our increasingly mobile student population. Our students could lack instruction in certain basic science or math concepts if they transfer between schools with completely different sequences of courses.

The SPEAK Act authorizes the American Standards Incentive Fund to incentivize states to adopt excellent math and science standards. It offers an "If You Build It, They Will Come Approach." Let me emphasize that this bill does not establish a national curriculum or required national standards. Participation by states is strictly voluntary. I have always felt that the "carrot" is more effective than the "stick" in leading reform. It is my hope that all states will feel the overwhelming responsibility to bolster their state standards in science and math and will step up to the plate.

I also introduced another bill, the Science Accountability Act (H.R. 35), which holds states and schools accountable for ensuring that K-12 students learn science. It amends the federal NCLB to require that the science assessments, which will begin in the 2007-08 school year, be included in the state's accountability system beginning in the 2008-09 school year. It also gradually phases in annual assessments in science in grades 3-8, matching the existing requirements for reading and math assessments.

I applaud President Bush and the Aspen Institute's Commission on No Child Left Behind for recommending that student performance in science become part of the school's adequate yearly progress calculation. Science, technology, engineering and math (STEM) subjects are directly tied to our national economy and we must do all we can to ensure that all our students are equipped with at least a basic understanding of STEM subjects. If you question this, just look at the evidence. Business owners, particularly manufacturers, have noticed a disturbing trend: They are unable to find qualified skilled workers in our nation. Of the 800 U.S. manufacturers surveyed in the 2005 Skills Gap report, 80 percent reported a shortage of qualified workers overall, with 65 percent reporting a shortage of engineers and scientists. To prepare the workers of the future, we need to give our kids a chance by providing them teachers who are trained to teach math and science properly and understandably. It is critical for our children's and our nation's future.

Funding levels are another key issue to address in the NCLB reauthorization. I would like to comment specifically on funding for math and science professional development. In fiscal year 2001, before the passage of NCLB, Congress provided $485 million in funding for the Eisenhower Professional Development program, which focused on math and science. When we wrote the NCLB Act, I fought to set aside dedicated funding for math and science professional development. You may recall that the House bill required states to set aside at least 15 and up to 20 percent of their Title II Teacher Quality grants for the Math and Science Partnership program. Unfortunately, this dedicated funding was dropped during conference. The law provided an authorization of $450 million for the Math and Science Partnerships, but, to date, the most we have appropriated is $182 million. While Title II A funds may be used for professional development as well, a GAO report found that the majority of districts use these funds for class size reduction. Many science teachers report, little, if any, funds available for professional development activities.

A resounding bipartisan chorus of business leaders, educators, Nobel laureates and other luminaries has called for improvements in teacher professional development. Most recently, on March 7, Microsoft Chairman Bill Gates testified in the Senate regarding the importance of math and science education, and stated, "If we are going to demand more from our students and teachers, then it is our obligation to provide them with the support they need to meet the challenge. All students—regardless of age, grade level, gender, or race—do better when they are supported by a good teacher." The Math and Science Partnerships provide necessary professional development enabling effective math and science teaching and strengthening our students' math and science skills. We must set aside dedicated funding for math and science professional development in the reauthorization bill.

There have been some implementation problems and other issues with the NCLB Act. For example, schools with large numbers of English language learners or students with disabilities have been identified as "needing improvement" when the majority of the students at the school are showing progress academically. Additionally, the U.S. Department of Education appears to hold some states to a higher standard than other states. Clearly, both of these issues have led to concerns in Michigan, and should be addressed in the reauthorization legislation.

I look forward to working with Members on both sides of the aisle and Capitol on improving the No Child Left Behind Act. It is imperative that we hold our schools and states to high standards so that our children are prepared for their future and our nation's future.

[The prepared statement of Mr. Hare follows:]

Prepared Statement of Hon. Phil Hare, a Representative in Congress From the State of Illinois

Thank you Mr. Chairman for calling up this important hearing. Thanks also to our friends from the Senate for joining us today to discuss No Child Left Behind (NCLB) and how it relates to the achievement gap. It is critical at this time, now 6 years after the enactment of the law, that we review its successes, failures and effectiveness. I appreciate all the witnesses for sharing their testimony and for playing a critical role in this discussion.

Honoring NCLB's goals and being realistic. The ultimate question in every discussion about NCLB is how do we honor the goals of the law while reforming it in a way we can realistically implement it? I think we can all agree that the goals of the law are good and we have seen some promising strides since it was first enacted in 2001, especially in increasing state accountability for and involvement in k-12 education. However, the law's strict and punitive nature has discouraged new teachers from entering the field and has made it difficult to retain quality teachers with advanced degrees. Additionally, the focus on testing has been a great disservice to our children and populations of students are being left behind.

Growth Models. One idea is to look at how we measure progress. We are seeing instances where entire subgroups are not even tested out of fear that they will bring down the district's AYP score. Is the law so strict that we are willing to leave groups of students behind in order to comply with it? It is important to look at where student subgroups are starting from and where they end up at the end of the year. In situations of tremendous progress, schools should be rewarded, or at least permitted to factor this measurable progress in the school's overall score even if they still fall short of their annual measurable objective. The important point here is that progress is being made. Another idea is to fully fund NCLB.

Challenges regarding low-income schools. Arthur Rothkopf, our witness from the US Chamber of Commerce, states in his written testimony that the problems we have with our education system cannot be solved by increasing funding. However, he does not address low-income communities. In Illinois, our public schools are funded by property taxes. This works well in Chicago and other bustling cities where employment is strong and incomes high. However, down state in the rural parts of my district, there is extreme poverty and drastically lower incomes. The cost of property in these areas is much lower than in Chicago and the schools reflect that, yet many of the schools serve large geographical areas and therefore have decent sized populations.

Schools like Lewiston Community High School in Canton have leaky roofs, equipment in their shop class from the pre-World War II ear, and a hand-drawn Periodic Table of Elements in the science lab. There is not even funding for a chart of the elements! How can children be expected to learn, yet improve in an environment like that? Funding is not the entire answer but it is part of it, especially when a community's industry base is manufacturing and subject to offshoring/outsourcing like in Galesburg, another town in my district that lost its Maytag plant to Senora Mexico. When the jobs leave, so do the residents, resulting in fewer property taxes and little support for the schools. We must establish a more equitable system.

Additionally, since Congress has not fully funded the NCLB mandate, states' resources have been solely devoted to K-12 education at the expense of the states' institutions of higher education, social programs and basic infrastructure. If we expect schools to meet stringent requirements and high standards, while not bankrupting the states, Congress must provide adequate funding.

Questions for the Panel

Edward McElroy, American Federation of Teachers; Governor Roy Barnes, Aspen Institute: From your hearings and discussions with teachers, officials, superintendents, and parents across the country, have you found that schools, especially ones struggling to meet benchmarks after year 1 or 2, have had the resources they needed to provide extra help to students who required it, such as tutors or after-hours instruction? Did you find that teachers, especially first-year teachers, had the men-

toring and support they needed? What can Congress do to guarantee schools, instructors, and students have the necessary resources, tools, and support?

Governor Roy Barnes, Aspen Institute: I have heard from many of my constituents—teachers, parents, administrators—who have concerns regarding your Highly Qualified and Effective Teacher proposal (HQET). Do you think that teachers that are evaluated as highly effective in higher income schools would get the same rating if they were teaching in low-income schools? And if not, is it fair to make these teachers compete against each other for the highly qualified rating? Could this serve as a disincentive for teachers to teach in high poverty schools?

Wade Henderson, Leadership Conference on Civil Rights: Do you have any suggestions on how to more equitably direct resources to schools with high poverty rates to achieve the goals of NCLB?

Arthur Rothkopf, US Chamber of Commerce:

• Would you please speak further about the particular skills in which American students have fallen behind in terms of college and workplace readiness, in particular at the k-12 level? My district has lost many of its manufacturing base but we are on the verge of a huge breakthrough in the emerging biofuel industry. How can business and education leaders come together to ensure high standards of basic education while also educating a workforce for evolving industry?

• You state in your written testimony that our problems with our public education system cannot be solved by increased funding. Yet, low-income and rural communities cannot afford to update their equipment and materials, or to fix leaky roofs and dilapidated buildings. In these communities there are not the jobs or industry to support adequate funding for the schools. Can you address this further in terms of your written testimony?

Mike Casserly, Council of Great City Schools: What do you consider to be key elements of any growth model? Can you comment on the Administration's implementation of the growth model pilot project and do you have ideas for alternative growth models?

Edward J. McElroy, American Federation of Teachers:

• What do you think are the most effective school improvement interventions and how should they be incorporated in the law? How can we wane away from basing our entire education system on tests, that are expensive and take funding away from key educational programs like PE, music and art?

• How do you recommend teachers play a greater role in developing school and district reforms?

• How do you respond to the Aspen Commission's highly qualified and effective teacher proposal and what do you think are the most important steps we can take in order to attract well qualified teachers to high-poverty or rural schools?

Elizabeth Burmaster, Council of Chief State School Officers:

• Can you elaborate on what sorts of innovations you would like to implement that have been prohibited under current law, and can you explain how such innovations would help in our shared goal of closing the achievement gap for all of NCLB's subgroups?

I would again like to thank all the witnesses for their testimony and participation in today's discussion with us. I believe many key issues were presented which will continue to come up as we move forward in the reauthorization process. I look forward to working with you and my colleagues to address the problems with the 2001 bill and hopefully come up with something that will keep standards high but also set our schools and teachers on the track for success. Thank you.

[The American Federation of Teachers report, "Building Minds, Minding Buildings," can be accessed at the following Internet URL:]

http://www.aft.org/topics/building-conditions/downloads/minding-bldgs.pdf

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[The Health Report to the American People as included in the Working Group's Final Recommendations, released September 29, 2006, "Health Care That Works for All Americans," can be accessed at the following Internet URL:]

http://www.citizenshealthcare.gov/recommendations/healthreport3.pdf

[Recommendations from the Business Coalition for Student Achievement (BCSA) follows:]

Framework for Reauthorizing the No Child Left Behind (NCLB) Act: Recommendations to Improve and Strengthen the Law

The Business Coalition for Student Achievement—representing business leaders from every sector of the economy—believes that improving the performance of the K-12 education system in the United States is necessary to provide a strong foundation for both U.S. competitiveness and for individuals to succeed in our rapidly changing world. We are committed to working with all stakeholders on this essential task.

The coalition views the No Child Left Behind Act as one of the critical tools needed to transform U.S. education so that all students graduate academically prepared for college, citizenship and the 21st century workplace. NCLB and related federal, state and local policies and resources must be aligned to ensure that all students are challenged by a rigorous, well-rounded core curriculum in safe and engaging learning environments. It also must be supported by policies that bolster U.S. scientific and technological leadership.

We call on Congress to strengthen and improve NCLB provisions and funding, while respecting the fundamental features of this historic education law that are designed to raise student achievement and close achievement gaps:

- All students proficient in reading and math by 2014;
- Accountability for all groups of students reaching proficiency on annual assessments;
- Public report cards that include data on the performance of each student group;
- Highly qualified teachers in every classroom;
- Options for students in persistently low-performing schools; and
- Identification and intervention in schools that need improvement.

Focus on college and workplace readiness

- Provide incentives for states to raise academic standards and improve assessments to align them with college and workplace expectations. These incentives should enable states to:
- Improve state standards and assessments regularly, with input from business and higher education, so that students graduate from high school having demonstrated proficiency on assessments of the core knowledge, advanced problem-solving skills and critical thinking capacities needed to succeed in both postsecondary education and the workplace.
- Develop state consortia to collaborate on the development of standards and assessments benchmarked to the best in the world.
- Reform secondary schools and hold them accountable for increasing the graduation rate, using the common definition adopted by the nation's governors, and graduating students who are ready for college and work.
- Increase opportunities for high school students to participate in Advanced Placement, International Baccalaureate, honors and appropriate industry-recognized certification courses.

Emphasize science, technology, engineering and math (STEM)

- Increase and align STEM funding with the goals of NCLB and require rigorous program evaluation.
- Focus funding on scaling up programs to improve teaching and learning, such as Math Now and Math and Science Partnerships.
- Add science to the adequate yearly progress (AYP) accountability system and support state participation in National Assessment of Educational Progress (NAEP) science assessments.

Enhance data-driven decision making

- Based on commitments from states, provide resources to develop statewide data systems that offer timely and accurate collection, analysis and use of high quality longitudinal data that align to district systems to inform decision making and ultimately to improve teacher effectiveness and student achievement.
- Provide educator training on the use of data to differentiate instruction for students, especially for those who are not yet proficient and those who are more advanced.

Increase teacher and principal effectiveness

• Shift current definition of "highly qualified teachers" to a focus on "highly effective teachers."

• Focus resources on supporting and rewarding both teacher and principal effectiveness at improving student achievement by funding programs that:

• Align preparation, recruitment, induction, retention and professional development with the knowledge and skills needed to improve student performance and to enable all students to graduate from high school ready for postsecondary education and the workplace.

• Require the institutions and other entities that receive funding for these purposes to evaluate their impact on increased educator effectiveness.

• Institute performance- and market-based pay programs that: reward educators whose performance contributes to substantial growth in student achievement, attract and retain effective math and science teachers and adjunct faculty, and draw effective teachers and leaders to high-need schools.

• Develop evaluation systems based principally on improved student performance.

• Implement policies and practices to quickly and fairly remove ineffective educators.

Strengthen and refine accountability

• Amend the NCLB accountability system to:

• Provide guidance on ways that States can differentiate among districts and schools that are close to or far from making adequate yearly progress, and ensure that resources for improvement focus on those with the highest concentrations of underperforming students.

• Permit states to use rigorous measures of year-to-year growth in student academic achievement and other methods verified by the Secretary that are consistent with the goal of all students reaching proficiency in reading, math and science.

• Close loopholes that allow states to use statistical means to "game" the accountability system and undermine the intent of school restructuring.

• Require districts to provide parents with timely and easily understood information on their options and allow them to choose either supplemental education services or moving to a higher performing public school.

• Fund development of better assessments for special education students and English language learners.

Invest in school improvement and encourage innovation

• Increase capacity of states and other entities to better assist schools that need help making AYP and that are facing corrective action and/or restructuring.

• Target funding, assistance and distribution of effective educators to high-need schools.

• Continue support for innovation, such as charter schools, diverse provider models and techniques that effectively integrate technology into appropriate aspects of teaching, learning and management.

• Fund R&D on promising ways to improve school and student performance.

[Endorsements from the Business Coalition for Student Achievement (BCSA) follows:]

Coalition Members as of March 2, 2007

Accenture
AeA
A.O. Smith Corporation
Eli Broad, Philanthropist/Businessman
Business Coalition for Education Excellence (NJ)
The Business-Higher Education Forum
Business Roundtable
California Business for Education Excellence
Chamber of Commerce of Fargo Moorhead
The Connecticut Business and Industry Association
Con-Way
Corporate Voices for Working Families
Eastman Chemical Company
EDS
Education Industry Association
Educational Options, Inc.

EMC
Ernst & Young
GlaxoSmithKline
Greater Dallas Chamber of Commerce
The Greater El Paso Chamber of Commerce
Hewlett-Packard
IBM
Illinois Business Roundtable
Indiana Chamber of Commerce
Intel
Jefferson Parish Workforce Business Center
Kalispell Area Chamber of Commerce
Kaplan K-12 Learning Services
The McGraw Hill Companies
MetroWest Chamber of Commerce
Micron Technology, Inc.
Microsoft
Minnesota Business Partnership
Minority Business RoundTable
Montana Chamber of Commerce
Motorola
Naperville Area Chamber of Commerce
National Association of Manufacturers
National Center for Educational Accountability
National Defense Industrial Association
National Roofing Contractors Association
Nationwide
Nevada Manufacturers Association
New Jersey Chamber of Commerce
New Mexico Business Roundtable
Ohio Business Roundtable
Oklahoma Business Education Coalition
Pilgrim's Pride Corporation
Prudential Financial, Inc.
Rhode Island Education Partnership
SAS
ScienceCompanion
Semiconductor Industry Association
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[The prepared statement of Dr. Blumberg follows:]

Prepared Statement of Linda J. Blumberg, Ph.D., Principal Research Associate, the Urban Institute

Mr. Chairman, Mr. Kline, and distinguished Members of the Subcommittee, thank you for the opportunity to talk with you today about the problems faced by those without health insurance, and to share my thoughts on strategies for expanding coverage to them. I appreciate the fact that this Committee is considering this important issue. While I am an employee of the Urban Institute, this testimony reflects my views alone, and does not necessarily reflect those of the Urban Institute, its funders, or its Board of Trustees.

The problems associated with being uninsured are now widely known. There is a substantial body of literature showing that the uninsured have reduced access to medical care, with many researchers concluding that the uninsured often have inferior medical outcomes when an injury or illness occurs. Urban Institute researcher Jack Hadley reviewed 25 years of research and found strong evidence that the uninsured receive fewer preventive and diagnostic services, tend to be more severely ill when diagnosed, and receive less therapeutic care.[1] Studies found that mortality rates for the uninsured within given time periods were from 4 to 25 percent higher

than would have been the case had the individuals been insured. Other research also indicated that improving health status from "fair" or "poor" to "very good" or "excellent" would increase an individual's work effort and annual earnings by as much as 20 percent.

But while the negative ramifications of being without health insurance are clear, the number of uninsured continues to grow. According to an analysis by my colleagues John Holahan and Allison Cook, the number of nonelderly people without health insurance climbed by 1.3 million between 2004 and 2005, bringing the rate of uninsurance to just under 18 percent of this population.[2] The vast majority of this increase, 85 percent, was among those with incomes below 200 percent of the federal poverty level. About 77 percent of the increase in the uninsured was attributable to adults. In recent years, the share of the population with employer-sponsored insurance has fallen, while the share of those with public insurance coverage has risen, but by smaller amounts. This pattern has persisted since 2000.

Why is the rate of employer-sponsored insurance falling, causing the number of uninsured to climb in recent years? First and foremost is increasing premium costs that have outstripped wage and income growth.[3] But additionally, overall employment has been shifting away from firms with traditionally high rates of employer-based insurance coverage, moving workers into the types of firms that are significantly less likely to offer coverage to their workers.[4] For example, employment in medium size and large firms has fallen, and growth has occurred among the self-employed and small firms. Employment has shifted from manufacturing, finance, and government to services, construction, and agriculture. There also has been a population shift toward the South and the West, regions with lower rates of employer-based coverage and higher uninsurance.

The good news is that policymakers at both the federal and state levels are talking about the need to expand health insurance coverage again, and some states are already taking action. While proposals are being developed in a number of states and at the federal level as well, I will focus my attention here on two of the most notable state designs, that of Massachusetts and California. I chose both states as they delineate potential avenues for bipartisan compromise on this issue. In addition, Massachusetts is the only state that has already passed legislation, enacting far-reaching health care reform, and California is, of course, the largest state, and hence what it can accomplish has significant implications for the country as a whole. I treat these two approaches as case studies in policy design and use them to highlight the types of features required to achieve significant coverage expansions as well as the policy challenges faced by such an undertaking.

Massachusetts

There are four main components to the landmark health care reform legislation enacted in Massachusetts in April 2006:[5]

- A mandate that all adults in the state have health insurance if affordable coverage is available (an individual mandate);
- A small assessment on employers that do not provide coverage to their workers;
- A purchasing arrangement—the Commonwealth Health Insurance Connector (the Connector)—designed to make affordable insurance available to individuals and small businesses and to provide subsidized insurance coverage to qualifying individuals/families; and
- Premium subsidies to make coverage affordable.

Theoretically, these components of reform could move the state to near-universal coverage; however, many practical issues remain to be resolved.

For example, the individual mandate to purchase health insurance will not be enforced unless affordable products are available. The definition of "affordability" and how it will vary with family economic circumstance was not provided in the legislation, and is left up to the board of the Connector. This definitional issue is clearly critical to the success of the Massachusetts reform and any other policy approach to expanding health insurance coverage. Ideally, each family would be subsidized to an extent that would allow them to purchase coverage within the standard set. Setting the affordability standard at a high level (for example, individuals being expected to spend up to 15 percent of income on medical care) would mean that the individual mandate would have a broad reach and thus increase coverage a great deal. This would be true because individuals and families would be expected to pay a considerable amount toward their insurance coverage, more insurance policies would be considered "affordable" by this standard, and thus the individual mandate would apply to more people. But setting the standard at such a level would also place a heavy financial burden on some families and might be considered unreasonable. Setting a low affordability standard (for example, expecting individuals to spend only up to 6 percent of their income on health care) would ease the financial

burden of the mandate on families, but would increase the per capita government subsidy required to ensure that individuals could meet such a standard. To the extent the revenues dedicated to the program were not sufficient as a consequence, either further revenue sources would be required or enrollment in the subsidized plans would have to be capped, and some would have to be excluded from the requirement to purchase coverage.

Under the Massachusetts plan compromise, each employer of more than 10 workers that does not make a "fair and reasonable" contribution to their workers' insurance coverage (with "fair and reasonable" yet to be defined) will be required to pay a per worker, per year assessment not to exceed $295 (this amount would be prorated for part-time and seasonal workers). This very modest employer payment requirement was the product of a compromise between those concerned about a potential decline in employer involvement in the financing of health care and strong resistance from the business community (especially small businesses) to potentially burdensome employer payroll tax assessments. The assessment decided upon had widespread support in the business community and was acceptable to consumer advocates as well. This broad-based support was critical for passage of the legislation and continues to prove pivotal in garnering continued support through various implementation challenges.

All employers are also required to set up Section 125 plans for their workers, so that workers can pay their health insurance premiums with pretax dollars, even if their employers do not contribute toward their coverage. Those employers who do not establish Section 125 plans may be required to pay a portion of the care their employees receive through the state's Uncompensated Care Pool, which provides hospital care to low-income uninsured persons.

Ideally, the reform would not cause significant disruption to existing insurance arrangements between employers and their workers. As currently designed, most employers, particularly large employers already offering group coverage, likely will continue to offer coverage. The benefits of risk pooling, control over benefit design, and lower administrative costs associated with purchasing through a large employer will not change under this reform. The situation for small employers is likely to be somewhat different, however.

By allowing workers to purchase coverage on a pre-tax basis through Section 125 plans, the Massachusetts reform reduces the incentive for small employers to offer coverage to their workers independently. The current law tax exemption for employer-sponsored insurance is an important motivator for small employers to offer insurance coverage today, and the Connector combined with Section 125 plans would level the tax playing field between employer provision and individual purchase. This is a more important issue for small firms than for large firms because small firms face significantly higher administrative costs, do not receive the risk pooling benefits of large firms, and are more frequently on the cusp between offering and not offering coverage. Decisions small firms make under the reform will, however, be quite dependent upon the particular plan offerings in the Connector, how attractive they are, and whether negotiating power in the Connector will be sufficient to generate true premium savings.

The attractiveness of the benefits offered in the Connector, and its size as a consequence, will have important implications for its negotiating power—the higher the enrollment, the greater the Connector's ability to be a tough price negotiator and to create savings in the system. This economic reality of purchasing pools may be somewhat at odds with those who would like to see organized public purchasers playing a small role in relation to private insurance providers. Thus, there is a tension for those that would like to have plans that are offered in such a purchasing pool be low cost/high cost sharing/limited provider network plans, as such plans have not proved popular with most purchasers. Therefore, if a purchasing pool limits its offerings to such plans, it may be unable to reach a critical mass for negotiating purposes.

At this time, the Connector will require each insurer to offer four different benefit packages of defined levels of actuarial value. In another context, offering such variety in benefit generosity could lead to adverse selection, with the healthy attracted to the high cost sharing/limited benefit plans and premiums in the comprehensive plans spiraling upwards. However, in order to protect the viability of more comprehensive plans and thus to better meet the needs of those with serious medical care needs, the Connector board has instituted a policy designed to counteract such a harmful dynamic. Premiums for each benefit plan will be set as if the enrollees in all of the insurer's plan options were enrolled in that plan. In this way, the premium for a particular plan is not a function of the actual health care risks of those people who voluntarily enroll in it. This is clearly an important first step to ensuring broader sharing of high health care risks. It may also be necessary for further

risk adjustment across insurers, but that remains to be seen, and modifications within the Connector can be made if appropriate.

In addition to selling unsubsidized health insurance to individual and small employer purchasers, the Connector will also operate the Commonwealth Care Health Insurance Plan (CCHIP), which will provide subsidized coverage for those with household incomes up to 300 percent of the federal poverty level (FPL). CCHIP has no deductibles, has cost-sharing requirements that increase with income, and does not charge premiums for those individuals with incomes below 100 percent of FPL. Premiums on a sliding scale are charged for those between 100 and 300 percent of FPL.

It is widely accepted that those with incomes below 100 percent of FPL have virtually no ability to finance their own health care needs, and that those of modest incomes require significant assistance as well. Deductibles and substantial cost-sharing responsibilities are likely to prevent the low-income population from accessing medical care when necessary; hence, the benefit package offered through CCHIP is considerably more comprehensive than that typically offered in the private insurance market. These policies are available only to those who have not had access to employer-based insurance in the past six months, with the hope of reducing the displacement of private employer spending by public spending.

California

The health care reform proposal Governor Schwarzenegger developed is an ambitious one. Many of its general components are similar to those implemented in Massachusetts, but the details are quite different and illustrate the types of choices that policymakers can make, and the very significant implications that these details can have. The components of the California proposal are the following:

- an individual mandate that all Californians have at least a minimum level of health insurance coverage;
- a "pay or play" employer mandate requiring that all firms with 10 or more workers pay a 4 percent payroll tax, a liability which can be offset by employers' contributions to health insurance for their workers and their dependents;
- a purchasing arrangement that would provide a guaranteed source of insurance coverage for individuals to purchase the minimum level of benefits required to satisfy the mandate and that also would provide subsidized insurance to eligible individuals;
- income-related subsidies to make premiums affordable for those with incomes up to 250 percent of FPL.

The minimum health insurance coverage required to satisfy the individual mandate under the California proposal is a $5,000 deductible plan with a maximum out-of-pocket limit of $7,500 per person and $10,000 per family. This is a package that would require substantially more cost sharing than is typical of private insurance today, and thus can be expected to be made available at premium levels significantly below typical employer-sponsored insurance premiums.

This minimum plan would be made available on a guaranteed issue basis through a new purchasing pool that the Managed Risk Medical Insurance Board (MRMIB) would run. MRMIB is a government agency and currently runs the Healthy Family's Program (California's SCHIP program) and the state's high-risk pool. In the past, the agency also ran a small employer health insurance purchasing pool. It is an agency experienced in health insurance purchasing, contracting, enrollment, and eligibility determination and has a structure for all the administrative tasks necessary for these roles; thus, it is an excellent choice for basing a new purchasing pool under a broad reform.

However, the policy that would be offered is likely to be unattractive to workers with modest incomes, in particular to those over 250 percent of FPL who would be ineligible for subsidized coverage and often could not afford to pay such a high deductible. Such a family would still be severely limited in their financial access to medical services, even with the guaranteed issue policy. Those that do not buy policies in the new pool, do not have employer insurance offers, and are not eligible for subsidized coverage would be required to purchase a policy in the existing private non-group market, and would face all the shortcomings inherent in that market. This would be a particularly difficult option for older workers and workers with significant health care needs, many of whom may not be able to obtain a policy at all in that market. Even those lucky enough to be offered a policy would likely be unable to obtain an affordable policy with more comprehensive benefits and effective access to needed medical care.

The "pay or play" mechanism is a tool for financing the new low-income subsidies proposed under the plan. This 4 percent payroll tax liability creates a significantly higher employer financial responsibility than does Massachusetts's employer assess-

ment. Employers with fewer than 10 workers are exempt from the tax. Consequently, the reform should not impact the smallest employers at all but will provide new subsidies and a source for buying coverage for their low-income workers.[6] And because the vast majority of large firms already provide health insurance coverage to their workers (98 percent of firms with 100 or more workers offered health insurance nationally, as of 2004[7]), the biggest impact of this reform would be on the employers and workers in firms of 10 to 100 workers.

The proposal provides some competing incentives that make it uncertain whether workers in currently non-offering small firms (of 10 or more workers) would prefer to have their employers begin to offer coverage or would prefer to purchase coverage on their own and have their employers pay the payroll tax. First, small firms do not tend to be efficient purchasers of health insurance. The administrative loads associated with small group insurance can be quite high and might be significantly higher than those in the new purchasing pool. This imbalance, combined with the inability of small groups to spread their health care risks broadly, implies a significant incentive for workers to prefer enrolling in pool-based coverage. This incentive would be particularly strong for lower-wage workers in small firms, who could enroll in a subsidized comprehensive health insurance product through the purchasing pool.

However, the payroll tax assessment works in the reverse direction of these incentives. Economists believe that the burden of employer-paid payroll taxes made on behalf of workers are effectively passed back to workers through lower wages paid over time. In the case of the California proposal, this would mean that workers whose employers opt to pay the tax would experience declines in their incomes relative to what their incomes would have been without the reform, and would then be required to purchase health insurance directly. In essence, they would be paying twice—once for the payroll tax and once for the insurance policy; they would get no credit toward the purchase of health insurance to account for the fact that their employers (and indirectly the employees themselves) were paying the payroll tax.

While workers eligible for generous subsidies on a comprehensive health insurance package might still be better off this way than having their employer offer insurance, the same is unlikely to be true for unsubsidized workers. The only unsubsidized product available in the new purchasing pool would be the very high deductible policies. As noted, these policies may be very unattractive to modest-income workers with incomes over 250 percent of FPL, who would be ineligible for subsidized coverage. Given also the substantial shortcomings of the current nongroup market, these issues taken together might create significant incentives for workers to ask their employers to begin offering health insurance in exchange for wage reductions commensurate with their employers' contributions.

The proposal also would make all children (including undocumented residents) in families with incomes up to 300 percent of FPL eligible for state subsidized health insurance, all legal adult residents with incomes up to 100 percent of FPL eligible for Medicaid at no cost, and those between 100 and 250 percent of FPL eligible for subsidized coverage through the new state purchasing pool. These expansions would cover quite comprehensive health insurance plans and would, on their own, lead to significant expansions of coverage in the state. These policies also would have important implications for employees of small firms in California, since over half of California's uninsured workers are employed by firms with fewer than 25 workers, and approximately two-thirds of the uninsured workers employed in these small firms have incomes that would make them eligible for subsidized insurance.[8] The lower-income workers in these small firms therefore account for over a third of all uninsured workers in California.

Conclusions

A number of states are already developing comprehensive health insurance reform plans. However, many more states will not be able to accomplish significant reforms on their own due to financial and political constraints. Indeed, it is not feasible for any state to finance any of the plans and proposals currently on the table without accessing at least some federal matching funds. As a consequence, federal legislators are now engaged in discussions and policy development of their own. Federal involvement will be necessary to spread further the early successes some states are seeing.

Therefore, I would like to take this opportunity to delineate what I consider to be the most critical components for the effective development of universal or near universal health insurance coverage within a private insurance-based system.

The first component is a comprehensive, subsidized set of insurance benefits for the low- and modest-income population. Subsidies should be directed to individuals (as opposed to employers), should increase with increasing need, and should be suffi-

cient to ensure that adequate benefits are made available to meet health care needs at an affordable price. While a high deductible plan may be perfectly adequate coverage for a high-income person, it will not be adequate to meet the needs of someone with more modest means, and meaningful reform must take that into account.

The second component is a guaranteed source of insurance coverage for all potential purchasers. The current nongroup insurance markets are simply inadequate to do the job. The guaranteed source of coverage will most likely need to take the form of an organized purchasing entity, such as newly established health insurance purchasing pools, or it may also be developed using existing organized purchasers, such as government employee benefits plans, state high risk pools, or State Children's Health Insurance Programs.

The third component is a mechanism for broadly spreading the costs associated with those who have the greatest need for health care services. Importantly, the health care risks of those that enroll in a guaranteed accessible insurance plan should not determine the premiums charged to individuals in that plan. Instead, the premiums should be based on what the premiums would be if a broader population enrolled. In this way, choice of varied benefit packages can be maintained, and the needs of the most vulnerable Americans can be met.

The fourth component is either an individual mandate or an individual mandate combined with a "light" employer mandate. Absent automatic enrollment in a fully government-funded insurance system, an individual mandate is necessary to achieve universal coverage. Many advocate combining an employer mandate of some type with an individual mandate to ensure continued employer responsibility in health care. Such employer mandates raise a number of difficult political, distributional, and legal issues. But Massachusetts, for example, was able to enact a non-burdensome employer mandate that should be considered a model of political compromise.

Designing such a reform, complex as it may sound at first, is actually the easy part. The most difficult truth is that financial resources are necessary for ensuring accessible, affordable, and adequate insurance for all Americans. If the political and public will strengthens sufficiently in this regard, there are many options for identifying the necessary funding. If asked for my personal favorite, I would suggest we turn to a redistribution of the existing tax exemption for employer-sponsored insurance, providing those with the greatest needs the greatest assistance, as opposed to the opposite, which is true today. The current level of this tax expenditure is sufficient to finance comprehensive health care reform and is already dedicated to subsidizing health care insurance. The current spending is not particularly effective in expanding coverage, however, since it subsidizes most those who are most likely to purchase coverage even in the absence of any subsidy. And while the notion of restructure the current tax subsidy has been somewhat politically taboo in the past, the president himself has recently opened the political conversation regarding how best to spend that that money.

Thank you very much for the opportunity to share my thoughts on these important issues.

ENDNOTES

[1] J. Hadley. 2003. "Sicker and Poorer—The Consequences of Being Uninsured: A Review of the Research on the Relationship between Health Insurance, Medical Care Use, Health, Work, and Income," Medical Care Research and Review 60(2): 3S-75S.

[2] J. Holahan and A. Cook. 2006. "Why Did the Number of Uninsured Continue to Increase in 2005?" Kaiser Commission on Medicaid and the Uninsured Issue Paper. *http://www.kff.org.*

[3] M. Chernew, D. Cutler, and P. Kennan. 2005. "Increasing Health Insurance Costs and the Decline in Insurance Coverage," Health Services Research 40(4): 1021-39; T. Gilmer and R. Kronick. 2005. "It's the Premiums, Stupid: Projections of the Uninsured through 2013," Health Affairs Web Exclusive (April 5): w5-143-w5-151; J. Hadley. 2006. "The Effects of Recent Employment Changes and Premium Increases on Adults' Insurance Coverage," Medical Care Research and Review 63(4): 447-76.

[4] J. Holahan and A. Cook. 2006. "Why Did the Number of Uninsured Continue to Increase in 2005?" Kaiser Commission on Medicaid and the Uninsured Issue Paper. *http://www.kff.org.*

[5] J. Holahan and L. Blumberg. 2006. "Massachusetts Health Care Reform: A Look at the Issues," Health Affairs Web Exclusive, September 14: w432-43.

[6] It should be noted that this "carve-out" of employers with fewer than 10 workers may provide incentives for the smallest employers to stay small and may also create incentives for somewhat larger employers to break up into smaller pieces.

[7] Agency for Healthcare Research and Quality, Medical Expenditure Panel Survey—Insurance Component 2004, calculations based on published tables, tables available at *http://www.meps.ahcpr.gov/*.

[8] Author's estimates from the 2004/2005 March Current Population Survey.

[Letter submitted by Dr. McBride follows:]

WYOMING DEPARTMENT OF EDUCATION,
Cheyenne, WY, March 2, 2007.

Hon. MICHAEL ENZI,
U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR ENZI: I appreciate this opportunity to provide you with Wyoming's collective inputs for the reauthorization of public law 107-10 (NCLB). This is a vital piece of legislation that greatly affects Wyoming's schools and students, and we appreciate the occasion to comment.

The Wyoming Department of Education has worked for over six months with educators, parents, and community members to identify areas of improvement for the reauthorization.

You and I have discussed the reauthorization of NCLB on several occasions. In early December 2006, I asked all Wyoming districts to provide their recommendations on what changes or adjustments should be made to NCLB.

We have discussed the unique nature of some of our western states and, in particular, Wyoming. The key to many of our western state's success will be the allowance for maximum financial and academic flexibility. As you know, one-third of our districts have 300 or less students and these "frontier schools" are generally located in small, isolated communities.

Choice is often difficult, if not an impossible option for these schools to offer. In addition, Wyoming has three approved supplemental service providers, each of which provides its services online. None of these have shown real promise in addressing the needs of our struggling districts. The solution in these areas will likely come from aggressive staff development activities, community support and technical assistance visits from my office.

The Wyoming Department of Education has structured its comments in the following six areas and has included, where appropriate, what our staff considers a "proposed solution" for each concern:

1. SEA Capacity Building
2. Highly Qualified Teachers
3. Assessment
4. Accountability Systems
5. Subgroup Issues
6. Funding

I appreciate your support on these issues and look forward to having an opportunity to discuss the future of No Child Left Behind with you.

Sincerely,

JIM MCBRIDE, ED.D.,
Wyoming Superintendent of Public Instruction.

Wyoming is a rural state that serves 48 districts and 362 schools. The issue of adequate state capacity to serve districts and schools is limited due to small population and the lack of federal and state resources. The lack of resources to provide technical assistance in rural states impacts the following areas:

a) Hiring and retaining highly qualified department staff,
b) Availability of research based products and services,
c) Implementing quality data systems in all districts and
d) Adequate technical assistance budget.

The escalating nature of the costs of technical assistance provided by the state is increasing as schools and districts work toward achieving the rigorous requirements of NCLB.

Proposed Solution: In order to overcome the resource problems, we recommend that the NCLB reauthorization include an increase in federal administration and technical assistance funds. We also recommend that these funds have greater flexibility so that they can be combined in support of state and district improvement initiatives.

Highly Qualified Teachers (HQT)

The following concerns address specific teaching disciplines. While these concerns present the greatest operational obstacles posed by NCLB regarding HQT, the conceptual framework of NCLB and HQT recognizes that "knowledge in a specific content" (quality instruction) is the greatest, single indication of student achievement. The federal guideline for HQT limits our ability to develop and teach integrated and diverse classes.

For example, teachers in Wyoming's small rural schools are often assigned to teach in more than one endorsement area; this is especially true for Social Studies, Middle School, and Special Education. NCLB requires that a certified Social Studies

teacher be highly qualified in Geography, History, Economics, Civics and Government. In many cases, this requirement is extraordinarily difficult to meet in Wyoming.

Additionally, most middle and secondary Social Studies classes are offered via an integrated standards-based curriculum which includes all four areas; subsequently, a teacher prep program that trains teachers to instruct integrated content, such as a Social Studies Composite major, is much more supportive of small, rural "frontier" schools. These majors could be developed by our university, but must be recognized as highly qualified by PTSB, NCLB and the U.S. Department of Education.

Proposed Solution: Recognize teachers with a content major in Social Studies as highly qualified in History, Geography, Economics, and Civics and Government.

Integrated, cooperative teaching, the mainstay of the middle school concept, is hindered by the HQT requirements of NCLB. If we could overcome this issue, integrated instruction would probably expand to our high schools. Without relief, it will continue to be difficult for Wyoming districts to recruit teachers who have all of the required NCLB endorsements.

Proposed Solution: Recognize the importance of integrated, cooperative teaching at all levels.

In rural high schools, one special education teacher is assigned to work with students in all content areas—and depending on the academic needs of the student(s)—the least restrictive placement may be one in which the SPED teacher is the teacher of record. The needs and number of students in special education change throughout the school year; consequently, the role of the special education teacher needs to be flexible enough to serve students as needed.

Special educators, more than any other teaching major, are specifically trained to provide instruction to meet the individual learning needs and styles of each student.

Proposed Solution: Special education (SPED) teachers need to be acknowledged as highly qualified if they are the teacher of record, consult, or co-teach based upon the needs of the students they serve. (Recognizing the teacher of record concept would also support integrated instruction)

Wyoming's rural small schools do not fit into the "one size fits all" plan mandated by NCLB. In addition, Wyoming's teaching certification requirements occasionally do not match the HQT mandate; consequently, at times, we may have teachers who are highly qualified but do not meet the requirements for Wyoming certification.

Proposed Solution: On the surface, this seems like a problem unique to Wyoming since the Professional Teaching Standards Board (PTSB) is a separate organization from the Wyoming Department of Education. However, if Wyoming's PTSB and Department of Education agree on HQT standard, we would ask that the U.S. Department of Education and NCLB recognize and grant HQT approval to our definitions

Assessment

Testing must reflect multiple measures, aggregated by highest score and stability. Individual student learning will be obtained by:

a) Measures over time,

b) Focus upon growth and learning; and

c) Provision of accuracy in the system to measure growth and learning.

By demonstrating proficiency through a growth model assessment design, a school can better track a student's needs, strengths and weaknesses from year-to-year. By developing a growth model format for assessment, all student sub-groups receive the focus they need and teachers are better prepared for grade transitions of students. Wyoming is in its second year of a new, state assessment. After the 2006-07 academic year, growth model development would be possible.

We could continue to require proficiency of state standards, but track a student's positive progress based on his/her skills. This would also allow gifted and remedial students to receive differentiated instruction, guidance and attention for growth although their skills are at different levels.

The reporting of data must be available in a timely manner to impact learning and be readily understandable for educators and parents.

Proposed Solution: Develop a growth model format for assessment that tracks student achievement based on skills yet uses state standards to demonstrate proficiency.

Accountability Systems

Currently, Adequate Yearly Progress (AYP) requires accountability systems throughout the country to look at a single snapshot to determine the achievement level of groups of students. This does not offer schools/LEAs the opportunity to show how they reach individual students.

Student achievement should reflect the gains in achievement of individual students over time (growth models). Growth models would give schools credit for student improvement over time by tracking individual student achievement year to year.

Proposed Solution: Accountability systems need to move beyond a status model of achievement and look at how "individual student achievement" grows over time.

Schools and LEAs are each unique—with different students, staffs, and cultures. Therefore, schools/LEAs must take the time and effort to identify true needs while implementing required sanctions.

For instance, a school missing Adequate Yearly Progress (AYP) in several subgroups tends to have very different needs from a school missing AYP in only one subgroup. Under these circumstances, it may be better for the students to have teachers receive high quality professional development to meet the needs of their student population rather than offering additional tutoring services from outside provider.

It is absolutely imperative that schools and LEAs show:

a) Documentation of their needs

b) Why their selected corrective strategy will increase their capacity to meet those needs

c) Continuous documentation of the progress toward meeting the defined goals

d) Evaluation of the success the school

e) How it met the need and building capacity

f) That it included intense levels of technical assistance from LEA and SEA to address true needs.

Also, the sanctions on a school/LEA must focus on the students who missed AYP. Sanctions of Supplemental Education Services (SES) for schools in Year Two of School Improvement make it possible for the students eligible for the service to be completely different than the subgroup that missed AYP. The primary benefactors of SES should be students who did not achieve proficiency, not just any student in a school that did not meet AYP.

Proposed Solution: The needs of schools/local education agencies (LEA) vary. Sanctions need "flexibility and staff capacity building" to ensure that the needs of students are met.

Subgroup Issues

Subgroup progress should be included as part of an accountability system.

English Language Learners: The ELL subgroup continues to be a complex issue because of the length of time it takes for students to achieve English proficiency in the use of academic language.

The scores of students in this subgroup should not be included in AYP calculations until the students have reached proficiency as established by our state English Language Proficiency assessment (WELLA).

We should exempt ELL students from taking the Language Arts content sections of PAWS and have them take the WELLA as a substitute to show growth for their first three years in the country or until they have reached English Proficiency, whichever comes first. Currently the exemption is for one year in the country.

Students with Disabilities: All materials support retaining the 100% proficiency goal for Students with Disabilities, (SWD subgroup), but focus on individual student growth (growth model). The student's IEP academic focus should be considered to determine student growth in this model.

Proposed Solution: The federal government should invest in research and funding of NCLB considering the high level of data (student level data), subgroup tracking, and costs of assessments such as the ELP assessment and modified or alternate assessments.

Funding

Wyoming believes funding of NCLB, a guaranteed, stable, dedicated threshold should be granted to all states with a significant degree of flexibility within the state for disbursement to LEAs.

One area of concern is schools in "improvement year 4 or 5." The required development and implementation of a "restructuring plan" will probably be prohibitively expensive and may meet the definition of an "unfunded mandate." We would strongly suggest special funding to address "restructuring implementation."

Additionally, some districts may require more funding for English Language Learners (ELL) and others may have little or no need for funding in that particular area. Furthermore, when funding has been appropriately disbursed at the local and state levels, unspent funds could be re-directed in ways that would seem to improve student success, i.e., technical assistance. With the exception of restructuring, the

Wyoming Department of Education does not subscribe to the belief of some that NCLB is an unfunded mandate. Rather, funding is perceived to be adequate, especially if funding and transfer options were less restrictive but remain accountable.

Proposed Solution: A flexible, yet defensible accounting of state funding would allow for the diverse circumstances found within Wyoming. Additional funds will likely be needed for restructuring implementation.

[The prepared statement of Mr. Griffith follows:]

Prepared Statement of David Griffith, National Association of State Boards of Education

Minding the Gaps

Thank you Chairman Kennedy, Chairman Miller, Senator Enzi, Congressman McKeon, and distinguished members of the Senate and House Education Committees for the opportunity to provide testimony to the bicameral hearing on how to improve the No Child Left Behind Act to close the achievement gap.

As you know, the core components of the No Child Left Behind Act—standards, assessments, accountability, and teacher quality—are fundamental to the work and authority of state boards of education. As their professional membership organization, the National Association of State Boards of Education (NASBE) is pleased to provide you with the perspective of our members, their first-hand experiences in developing state policies and implementing NCLB, and our organizational research about the most effective strategies to close the achievement gap.

Today, as states, districts, and schools move forward in fulfilling the requirements and the vision of the No Child Left Behind Act (NCLB), this nation is being confronted more explicitly than ever by the wide gaps in academic achievement that exist between successful students (preponderantly middle and upper income whites and Asians) and those students who are far from achieving to their potential (generally low-income students of every race and ethnic group, students in special education, and students attending low-performing schools). And while large numbers of students from all backgrounds can be found in the under-achieving groups, the situation for minorities, particularly African-Americans, Latinos, and Native Americans, is especially alarming. All too frequently these students carry multiple burdens, as they are stuck in poverty, stuck in special education, and stuck in low-performing schools.

But performance gaps don't just exist in terms of test scores. There are also significant gaps among groups of students in terms of dropout rates, placement in advanced classes, who gets good teachers, and who goes to college.

At the same time, other gaps appear when it comes to system performance. In this case, states themselves can differ markedly not only in terms of student achievement, but in terms of the financial and other support they offer their neediest districts. And significant gaps in performance exist between school districts and between individual schools, even when they are provided with equal resources and serve families and students with roughly the same characteristics.

It is frequently noted that achievement gaps among different racial and ethnic groups, as measured by results from the National Assessment of Education Progress (NAEP), narrowed somewhat in the 1970s and 1980s, only to stagnate or even widen during the 1990s. Into the 21st Century, the most recent NAEP exams and other indicators portray a stark picture of education gaps in America today.

What is perhaps most notable about this data is that the gap between poor and not poor students (using eligibility for free or reduced lunch as the qualifier for being "poor ") is nearly identical to the gaps between other groups.

The same is true in terms of the percentage of poor students scoring below basic. For example, nationally 54 percent of poor students scored below basic on the 2005 4th grade reading exam and 43 percent of poor students scored below basic on the 2005 8th grade math exam, compared with 23 percent and 19 percent respectively for students who are not poor.

Poor students comprise every racial and ethnic group, but the majority of poor students are white. Indeed, in a number of states that have small minority populations, the vast majority of poor students are white—and yet the poor versus non-poor achievement gaps are still very large. So while African-Americans, Latinos, and Native Americans are disproportionately affected by poverty, policymakers seeking to improve the achievement of all students should not think only in terms of minorities

There is no doubt that gaps, both in terms of opportunity to learn and achievement, show up very early, well before children get to school. As demographer Harold Hodgkinson concludes in his 2003 report, Leaving Too Many Children Behind:

Long before children knock on the kindergarten door—during the crucial period from birth to age five when humans learn more than during any other five-year period—forces have already been put in place that encourage some children to "shine" and fulfill their potential in school and life while other forces stunt the growth and development of children who have just as much potential. The cost to the nation in terms of talent unfulfilled and lives of promise wasted is enormous.

It is also clear that most of the negative "forces" on children are related to poverty and the educational attainment of parents. Census and achievement data highlight these early gaps:

• In 2000, about 17 percent of all children in the United States lived in poverty (up from 15 percent in 1971), a figure higher than for any other industrialized country.

• In 1999, about one-third of all births were to single mothers. Statistically, children raised by single parents are two to three times more likely to live in poverty than those raised by both parents.

• Math and reading achievement data show that even at the beginning of kindergarten, children from the lowest socio-economic status (SES) quintile are already substantially behind their better-off peers

• A study of California children found that almost percent of the white—Latino mathematics gap observed on the 2003 NAEP 8th grade test is already apparent at entry to kindergarten.

Some educators are concerned that when confronted with higher expectations and high-stakes exit exams, many struggling students will simply choose to drop out, especially if there is a lack of support. Evidence of an increase in dropout rates in the face of higher standards is mixed, but without question school systems already face a huge problem with dropout and lack-of-completion rates—and again it mirrors the achievement data in terms of which students are most affected.

Finally, we should acknowledge that there are also serious gaps among states. On the 2003 NAEP 4th grade reading exam, for example, the top eight states in the nation had an average score of 226, while the lowest-scoring eight states had average scores below 210. Looking at the data in another way, for the lowest 12 performing states, this meant that nearly half of all students scored below basic, while for the highest 12 performing states, on average 29 percent of students scored below basic.

On the 2003 8th grade math test, there were even greater gaps, with the highest state average at 291 and the lowest at 261. Discouragingly, this meant that for the poorest performing state, the average state score was below the Basic level.

And yet, despite the litany of achievement and other gaps with which the committee members are surely familiar, there is an abundance of the positive research on teaching, learning, and school leaders, the emergence of data and evaluation systems that can help educators pinpoint problems and improve practice, and the number of success stories that can be found at the state, district, and school levels.

At the state level, Latinos in Virginia regularly score higher than Latinos in other states on the NAEP 8th grade reading exam, and on the 2003 exam outscored white 8th graders in eight other states. All this despite an influx of immigrants that more than doubled the state's Latino population since 1990.

At the school level, there are literally hundreds of schools that have made great gains in achievement levels in recent years despite having many students from challenging backgrounds. A typical example of such schools is Samuel Tucker Elementary in Alexandria, Virginia, which has a student population that is 25 percent Latino, 43 percent African-American, and 17 percent white, with 56 percent receiving free or reduced-price lunch. Students in every subgroup beat the state average in terms of percentage passing state math and language arts tests, but even more impressively, the subgroup passing rates at the school nearly equal or exceed the passing rates for whites statewide.

Despite the uneven record, state board of education members are optimistic and convinced that there are many actions national and state policymakers can take to close achievement gaps. But the first task for education leaders is to do an inventory of what has been done to raise achievement and close gaps. Simply put, we must ask ourselves a series of tough questions about the steps that should be taken, answer them forthrightly, and then be willing to take action where needed.

Nevertheless, there are a lot of questions, many with far-ranging implications—and we don't presume that our recommendations are inclusive. No one should fool themselves that the task ahead is not enormous. There are many different but coordinated, focused, and sustained steps and actions to be taken.

There are four key areas federal and state leaders must address if they are to bring isolated examples of success to scale statewide. The critical steps we have identified are areas in which a reauthorized No Child Left Behind Act can help states systemically raise achievement levels for all and close gap.

1. Bolster the States' technical infrastructure needed to collect, disaggregate, and report data at the school, district, and state levels to understand achievement patterns. States need to collect and analyze this information in order to target low student achievement and the corollary factors that may contribute to poor performance. In addition, the data should enable states to identify those districts and schools that have successfully produced high performance (particularly in areas where low-income and diverse ethnic and racial student groups predominate).

In short, NCLB must go beyond using data merely to identify problems or schools "in need of improvement." NCLB's exclusive focus on state assessments and failure to make "adequate yearly progress" (AYP) fails to take account of the fundamental systemic and capacity issues within schools, districts, and states that perpetuate low achievement. This narrow view also misses out on valuable information that could and should be used to help improve the design and implementation of academic and support programs.

2. Ensure that States' pre-service and professional development programs provide educators with the knowledge and skills to continually monitor students' achievement and to intervene quickly when students are not progressing sufficiently. Policies on certification, professional development, school improvement planning, and intervention must go beyond the simplistic determination of whether a teacher is "highly-qualified" or not and have the power to make a meaningful difference in student performance. It is not a mystery. A substantial body of research supports particular practices in teaching, assessment, classroom organization, and curriculum.

3. Maintain the sharp focus on student achievement but apply research-proven strategies and monitor their implementation and impact. The research literature is replete with practices and strategies that can significantly accelerate students' rates of progress. Unfortunately, these strategies and practices remain under-utilized. One result, for example, is that despite extensive research on early reading development, scores from the 2005 NAEP 4th grade reading assessment show that more than one out of every three students reads below basic (36 percent). Students who reach 3rd or 4th grade significantly below grade level will never catch up with their peers because of the lack of systematic interventions to accelerate their progress rate.

The importance of implementing strategies that focus on small but immediate improvements and monitoring their impact cannot be overstated. For example, utilizing goal setting, teamwork, and monitoring of performance data, Colorado's Weld County School District 6 successfully raised overall student achievement while at the same time reducing disparities between high- and low-income students. Teachers introduced multiple interventions in reading, mathematics, and writing and monitored student performance monthly and quarterly.

New flexibility needs to be incorporated into NCLB so that States can use successful local districts and schools as laboratories for experimenting with alternate solutions and institute computerized feedback systems to examine not only data on outcomes, but on those elements that may or may not correlate with outcomes (e.g., resource allocations and staffing patterns).

4. Implement evaluation strategies to determine impact and unintended consequences. Because closing achievement gaps and raising performance levels for all students is such a complex undertaking, policymakers at every level must steadfastly ask about the effectiveness of their policies and constantly be aware that well-intentioned initiatives or directives in one area can have unfortunate consequences in another. This, as experience has shown, has been especially true of the No Child Left Behind Act.

Opportunities to Learn

More broadly, there is a close relationship between closing achievement gaps and providing all students with a real opportunity to learn. Below are a number of recommendations to ensure an opportunity to learn for all students for lawmakers to consider as they develop NCLB reauthorization priorities.

1. Establish a process to assess disparities in the degree to which different groups have access to educational opportunities. Many minority and low-income students are disproportionately excluded from schools, college preparatory programs, and various school activities. It is essential to collect disaggregated data on the numbers of students by subgroup on suspensions and expulsions, dropouts, special education placements, as well as the numbers assigned to gifted programs, advanced placement courses, and those who cannot participate in school activities due to social/eco-

nomic barriers (i.e., finances, transportation). For instance, the North Carolina Advisory Commission on Raising Achievement and Closing Gaps found that during a three-year period, more than half of the long-term suspended students were African-American or multi-racial, even though the African-American student population was only 33 percent of the public school population.

2. Align clear standards and curricular frameworks to ensure that every school uses a rigorous curriculum. The research is clear—students who complete a strong college preparatory sequence perform much higher on NAEP and are more likely to graduate from college. School-based factors are those largely under the school's control, and hence responsive to formal and informal policy decisions (e.g., accreditation, certification, school improvement planning, state intervention). Based on hundreds of studies, the noted education research Robert Marzano identified implementation of a guaranteed and viable curriculum as the most important factor in student success.

One key aspect of delivering a rigorous curriculum is "time." As David Berliner notes, academic learning time is a complex measure of "that part of allocated time in a subject-matter area in which a student is engaged successfully in the activities or with the materials to which he or she is exposed, and in which those activities and materials are related to educational outcomes that are valued." Researchers have found that extensive academic engagement is a primary factor in high-performing classrooms and schools. For example, eight out of 10 high-poverty, high-performing schools included in the Education Trust's Dispelling the Myth study increased instructional time in reading and math to improve student achievement.

3. Resolve the conflicting imperatives that ask schools both to sort students according to ability and to develop high achievement among all students. States must provide clear and public standards of what all students should learn at benchmark grade levels. Unfortunately, too many States' standards lack clarity, alignment, and consistency. In addition, longstanding policies maintain the sorting mechanisms that work at cross-purposes with state efforts to bring every student to high standards. In particular, low-income and minority students who fall behind their peers during the early years often continue to be sorted into slower-paced remedial classes that compound their low achievement over time.

Students in high-poverty areas generally report on the lack of educational rigor in their schools. Young people talk about teachers who often do not know the subjects that they are teaching, counselors who consistently underestimate their potential and place them in lower-level courses, and a curriculum and set of expectations so miserably low that they bore the students right out the school door.

Unfortunately, engaging curricula that ask students to think and discuss their ideas are implemented in schools in inequitable ways; while only 15 percent of white 12th graders are exposed to a curriculum that asks them to complete daily ditto worksheets, nearly one-quarter of Latino and African-American 12th graders are.

4. Facilitate equitable distribution of academic and other resources such as quality staffing, facilities, and instructional materials. In areas of high poverty, schools are often operating at two and three times their intended student capacity, which reduces the availability of important academic resources such as libraries and computer labs. African-American students are four times as likely as white eighth-grade students to have science classes with no access to running water. Such basic inadequacies are coupled with less emphasis on developing hands-on lab skills and minimal requirements for synthesizing data and writing lab reports. Districts and schools vary widely in how much support they provide teachers (i.e., curriculum frameworks, bridge documents, diagnostic instruments, instructional technology, and support personnel). The lack of resources leads to reduction in the amount of active student engagement in learning course content.

5. Encourage States to design policies consistent with the research on instruction that promotes high levels of academic engagement in order to improve student achievement. Researchers have identified an extensive number of successful instructional strategies, and have even demonstrated their relative effectiveness with highly diverse student populations—yet these findings remain consistently underutilized, particularly with students in high-need areas.

States must ensure that all policies are designed to capitalize on the rich knowledge base on effective teaching practices. There is much room for improvement in this area. According to one set of researchers, "Of the 20 or more most powerful teaching strategies that cross subject areas and have a historical track record of high payoff in terms of student effects, we speculate that fewer than 10 percent of us—kindergarten through university level—regularly employ more than one of these strategies."

6. Standards and curriculum frameworks should emphasize literacy and writing skills at all levels and across all curricula. Reading is the basis on which all aca-

demic successes are built, more than income, age, ethnicity, or level of parental education.

Decades of research tell us that reading readiness is the best predictor of 4th grade performance in both reading and math and that students are less likely to graduate from high school if they do not read moderately well by the end of grade 3. It is now widely accepted that through carefully planned instruction and extended opportunities to read and write, children can achieve success despite differences in their home environment. During the early years, teachers must provide the instructional scaffolding that systematically builds children's phonological awareness, phonics, vocabulary, comprehension, reading fluency, and writing.

In fact, when students and teachers increase the frequency of their informative writing assessments, student scores increase not only on state and district writing assessments, but also in mathematics, science, social studies, and reading. Moreover, school improvement goals that emphasize core areas—reading, writing, and math—do not implicitly preclude substantial attention to science, social studies, music, art, and physical education. Rather, there is a clarion call to integrate core areas across all domains and avoid the curriculum fragmentation that prevails, particularly in middle and high schools.

Funding

Volumes have been written about school finance, and we cannot hope to do full justice to the topic here. However, education funding—both the amount of money and how that money is distributed and used—is such a key element of creating an opportunity to learn for all students and for closing achievement gaps that we feel compelled to make several points in this area.

First, it is important to understand that education funding is in a watershed era. For much of the last 30 years, finance equity, and the lawsuits on the part of poorer school districts claiming that they do not receive their fair share of state funding, have dominated discourse in state capitols and courtrooms.

Over the last decade, however, policymakers, educators, and judges have been more likely to talk about adequacy: that is, what level of funding is needed to ensure that every student receives an adequate education. It is no accident that adequacy has emerged at roughly the same time as the standards-based reform movement. And now that the No Child Left Behind Act demands that students meet certain proficiency goals, the question has naturally arisen as to whether schools and districts have the resources necessary to bring students to these levels. This is precisely what judges across the country have been—and are likely to continue to be—asking. As the national Committee on Education Finance said in its 1999 report, Making Money Matter, the concept of adequacy is particularly useful "because it shifts the focus of finance policy from revenue inputs to spending and educational outcomes and forces discussion of how much money is needed to achieve what ends."

For closing achievement gaps, the difference between equal and adequate is critical, which can clearly be seen in New York City's lawsuit against the state's funding system. As a Standard and Poor's report points out, while the City receives a share of state aid roughly equal to its share of the state's student population, this is "not necessarily an * * * adequate share, because the City enrolls a disproportionate percentage of educationally disadvantaged students who typically cost more to educate." Indeed, the S&P study found that while the City "enrolls 37.7 percent of the State's students, it enrolls 62.6 percent of the State's economically disadvantaged students, and 73.9 percent of its limited English proficient students. * * * Both groups of students typically need additional educational resources."

Just how much more money disadvantaged students cost remains an open question, but estimates commonly range from 20 percent to 40 percent more per student. But it should also be noted that such "adequacy" court decisions are not always just about money, but how the money is used and distributed. Indeed, in what is widely regarded as the first of the adequacy decisions, the Kentucky Supreme Court in the 1989 Rose case found the entire system of school governance and finance to be unconstitutional and essentially said that equal outcomes for students are as important as equitable funding.

In short, adequacy, especially when applied to disadvantaged students, is likely to involve both more funding and strategically thought-out targeting of the money. And even the best achievement gap strategies must be accompanied by the resources to turn effective policies into successful practice. We appreciate the ambitious authorization levels included in the No Child Left Behind Act. But we hope during this reauthorization that lawmakers appreciate the funding requirements for what they are demanding and that actual appropriations more closely match authorized levels.

Thank you for the opportunity to offer our views on ways in which the No Child Left Behind Act can be improved upon to better close the achievement gap.

[The prepared statement of the National Association of Secondary School Principals (NASSP) follows:]

Prepared Statement of the National Association of Secondary School Principals (NASSP)

In existence since 1916, the National Association of Secondary School Principals (NASSP) is the preeminent organization of and national voice for middle level and high school principals, assistant principals, and aspiring school leaders from across the United States and more than 45 countries around the world. The mission of NASSP is to promote excellence in middle level and high school leadership.

No Child Left Behind Act (NCLB)

In October 2004, NASSP formed a 12-member practitioner-based task force made up of principals and post-secondary educators representing all parts of the country to study the effects of the No Child Left Behind Act (NCLB) as they applied to school leaders and the nation's diverse education structure. Principals can no longer just speak to narrowing the achievement gap. They must be able to make decisions that will improve teaching and learning for all students. Closing the achievement gaps and increasing student achievement are certainly among the highest educational priorities of secondary school principals, and our members accept accountability for results. We have seen gains in student achievement that can be directly related to the law and to the emerging conversations about improved student achievement.

Concerns remain with the fairness, consistency and flexibility with which the law has been implemented as well as the law's provisions to help schools build or enhance capacity among teachers and leaders to meet student achievement mandates. The recommendations released by the task force in June 2005 address the disconnect that exists between policy created in Washington, D.C. and the realities that affect teaching and learning at the school building level. NASSP strongly believes that these recommendations reflect the real world, common sense perspective that will help to bridge that gap and clear some of the obstacles that affect principals and teachers as they work toward improving student achievement and overall school quality.

Fairness—Growth Models

NASSP recommends that states be allowed to measure adequate yearly progress (AYP) for each student subgroup on the basis of state-developed growth formulas that calculate growth in individual student achievement from year to year. Not only would an accountability system based on growth models be fairer to schools, but it makes more sense for measuring student achievement for all subgroups.

Using a single score to measure whether a student is making progress ignores many issues, but primarily the academic growth of each student. Any student may be proficient from year to year. However, proficiency does not necessarily translate into individual progress. Our members have reported variances in their students' progress as they have moved from elementary to middle to high school. A lot of this can be correlated to both developmental and curriculum changes, and though these students may continue to be proficient year after year, the law requires that principals focus on individual grade-level growth as opposed to individual student growth.

Achievement, or improvement, models allow schools and districts to chart performance for different groups of students each year. For example, we compare this year's seventh-grade scores to last year's seventh-grade scores. Such systems do not take into account the differences in the groups of students and do not tell us whether we really made any improvement in our instruction or in the yearly outcomes for individual students.

In addition, focusing on that cut score encourages schools to focus only on those students who are close to meeting that goal and not on the educational needs of those students who may have the greatest need. Individual student growth, reported over time from year to year, gives teachers and administrators the best possible information about whether the instructional needs of every student are being met.

NASSP was encouraged when the U.S. Department of Education (ED) announced a pilot program in December 2005 that would allow up to ten states to develop and implement growth model accountability systems. North Carolina and Tennessee

were the only states approved to implement their systems during the 2005-2006 school year, but we believe this breakthrough will show that schools need this information to provide the best possible opportunity for the improvement of student academic achievement for every child.

The growth model appropriately recognizes achievement gains of students with disabilities and those who are English language learners. We would like to see additional flexibility granted in the law for growth models beyond the current safe harbor provision, which does not track individual student growth.

Consistency—Multiple Assessments

The NASSP NCLB Legislative Recommendations also state that AYP should not be based on the results of one test, but should be based on the results of multiple assessments and multiple opportunities to take the test. We strongly recommend that students be tested on a regular, consistent basis to analyze what they have or have not learned, and that schools be measured based on these multiple assessments. Teachers can use the data from these assessments to develop effective strategies to address individual student academic weaknesses and to build upon student strengths diagnosed by the assessments.

Assessment practices that use diagnostic data, and not the "score," give educators an impetus to prepare, plan, and focus on student success—individually, student by student. To view testing narrowly, as simply a measurement of a school's success or failure, misses the broader point. Simply stated, the purpose of testing is to inform instruction and improve learning. High-quality assessments that are diagnostic in nature are the key to improving instruction and thus student achievement. Hold educators accountable, but ensure that they have the resources, the preparation, the training, a strong curriculum, and useful assessment data to get the job done. If we can do that, then our students will achieve, and our schools will have truly passed the test.

Many of our members have also expressed concern regarding the requirement that 95% of a school's students must be in attendance for testing. Depending on the subgroup size designated in a particular state and a school's average daily attendance, that single requirement could mean not making AYP. Other factors such as mobility rates during certain times of the year, migrant movement between states and outside the country, and student delinquency may also play a role in school participation rates.

For schools with astounding mobility rates—as much as a third of the student population—participation rates pose an even greater concern. While every effort is being made to reach the 95% participation rate, individual schools with improving attendance rates should not be penalized in AYP calculation.

Flexibility—Graduation Definition

NASSP advocates that the graduation rate be extended to at least five years of entering high school. Currently, NCLB requires states to graduate students within the "regular" time. Most often, this has been determined to mean within four years; although, the U.S. Department of Education has allowed some states to extend beyond this traditional timeline.

NASSP wholeheartedly believes that designating a four-year timeframe within which students must exit and graduate from high school goes against what we know about student learning and timelines designated by the Individuals with Disabilities Education Act. In fact, we should be moving in the opposite direction, allowing students additional time to graduate if they require it, or less time if they have reached proficiency without penalizing the school.

Students that graduate in fewer than four years should be rewarded. This would be an area in the law to actually encourage excellence. The recognition of high-performing students could help schools that are nearing the target of 100% proficiency. Student performance should be measured by mastery of subject competency rather than by seat time currently imposed by NCLB. States that have implemented end-of-course assessments are on the right track and should be encouraged to continue these efforts. This feature would promote moving beyond the minimum requirements mandated by the law.

Ultimately, individualized and personalized instruction for each student should be our goal. NASSP has been a leader in advocating for such positive reform strategies through its practitioner-focused publications Breaking Ranks II: Strategies for Leading High School Reform(tm) and Breaking Ranks in the Middle: Strategies for Leading Middle School Reform.

Capacity Building—Funding

NASSP believes that full funding of the law is critical to provide the capacity required for success. We recommend that funding not be taken away as a sanction

for Title I schools that are not meeting proficiency. One of our task force members, Brent Walker from New Hampshire, offers a compelling story concerning this issue.

Brent's rural middle school was one of the first identified as a "school in need of improvement" in his state. As a Title I targeted-assistance school, he was fortunate to have access to a sizable portion of grant money that was distributed by the state to the identified schools to fund their respective school improvement plans. As a result, the school's staff members were able to conduct a needs assessment and pursue an aggressive professional development program that included two years of schoolwide one-to-one consulting. Thanks to this intensive professional development, Brent's school has made AYP each year since being identified for improvement. However, other schools in his state have not had access to the same professional development funds. This is an even greater issue when considering low-income schools that have not achieved Title I status.

To their credit, many states are beginning to recognize the importance of adequate funding for high standards, but that recognition needs to trickle up to the federal level. A March 2006 report issued by the Center on Education Policy found that in 2004 and 2005, nearly two-thirds of the states did not have sufficient funds to provide technical assistance to schools in need of improvement.

In addition, many school districts said that some NCLB administrative costs were not covered by federal funds, or that federal dollars were not sufficient to cover the costs of NCLB-required interventions such as implementing public school choice or providing remediation services for students performing below grade level. In addition, in districts where they were not needed, transportation funds could not be reprogrammed to defray these costs. We request that the federal government increase administrative funds associated with this law. Increased costs for schools include items such as Title I site administrators; training and professional development; and assessment and evaluation.

NCLB funding is being reduced at a time when schools are poised to implement the new teacher quality and science standards, required by NCLB law, and Title I funding for high schools is a paltry 5%—or less—and around 15% when middle schools are included. If we are truly serious about improving our schools, we must provide the resources that address the problems and challenges of school reform in a comprehensive manner from pre-kindergarten and elementary through high school and beyond.

Closing

A few final thoughts: Principals, teachers, and other staff members in the vast majority of schools are working hard to improve and meet the standards of NCLB. They are implementing new strategies, improving teaching methods, and working with parents to achieve higher student learning. Many schools are actively seeking to accomplish what has been asked of them.

According to the Southeast Center for Teaching Quality, high-quality leadership was the single greatest predictor of whether or not a high school makes AYP as defined by NCLB—greater than school size or teacher retention. Principals should be given sufficient resources to implement effective school reform because they are responsible for encouraging the continuation of school reform programs that are working and for discouraging practices that disrupt good reform programs already underway.

NASSP promotes the improvement of secondary education and the role of principals, assistant principals, and other school leaders by advocating high professional and academic standards, addressing problems school leaders face, providing a "national voice," building public confidence in education, and strengthening the role of the principal as instructional leader. NASSP promotes the intellectual growth, academic achievement, character development, leadership development, and physical well-being of youth through its programs and student leadership services, including the National Honor Society(tm), the National Association of Student Councils(tm), and the National Association of Student Activity Advisers(tm).

[Internet address to National Association of Secondary School Principals (NASSP), "NASSP Legislative Recommendations for High School Reform," dated 2005, follows:]

http://www.principals.org/s—nassp/bin.asp?CID=1238&DID=49743&DOC=FILE.PDF

[Internet address to NASSP Policy Recommendations for Middle Level Reform, dated 2006, follows:]

http://www.principals.org/s—nassp/bin.asp?TrackID=&SID=1&DID=54017&CID=937&VID=2&DOC=FILE.PDF

[The NASSP NCLB recommendations follow:]

NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

NASSP No Child Left Behind Legislative Recommendations

The NASSP No Child Left Behind Task Force, selected in October 2004, is composed of 12 active middle level and high school principals or assistant principals and three district officials from across the country. Each member possesses a solid knowledge of the No Child Left Behind Act (NCLB) through practitioner experience and other research.

The mission of the NCLB Task Force has been to study the effects of the law and regulations on school leaders and the nation's diverse education structure, to identify specific challenges and problems related to NCLB that inhibit improved student achievement and the identification of low-performing schools, and to develop proposals and formal recommendations for Congress to improve NCLB and its regulations.

The U.S. Department of Education (ED) should be required to review and evaluate all state accountability plans to improve reliability and validity of adequate yearly progress (AYP) data by incorporating *confidence intervals*[1], *subgroup size*[2], and full academic year consideration in AYP formula calculations. The department also should provide education and assistance to states where gaps and disparity exist.

Rationale:

- Much like the confidence intervals applied in standardized assessments, confidence intervals applied to AYP at the school level will provide a more accurate measure of a school's performance.
- Currently, some states benefit from the use of confidence intervals applied to AYP; however, some individual schools are, in effect, being penalized because confidence intervals are not applied at the school level.
- Differing AYP systems in each state require that each state, rather than the federal government, develop a confidence interval system that works for its local schools.
- The great disparity in the definition of subgroup size benefits some schools and penalizes others.
- The great disparity in the definition of full academic year benefits some schools in some states and penalizes others.

Funding should not be taken away as a sanction for Title I schools that are not meeting proficiency levels, and school districts should be allowed the right of *funding transfer*[3] in year three of corrective action.

Rationale:

- Imposing funding sanctions is a regressive policy that impedes a school's ability to provide the services required to improve student achievement.

The requirement that Title I funds be reserved for transportation should be eliminated; funds needed for transportation should be in addition to—not subtracted from—a district's Title I allocation.

Rationale:

- Use of Title I funds for transportation costs is a regressive policy. Title I funds are intended for school improvement purposes and should be used for in-school programs.
- As more Title I schools reach year three of corrective action, the full 20% set-aside will potentially be used for supplemental services and school choice, leaving little funding for other instructional support in schools that have the greatest demonstrated need.

- A negative consequence of the transportation set-aside is that school districts are supplanting state transportation funds with federal funds.

If funds for supplemental services are unspent due to calendar constraints, an additional calendar year should be allowed for schools and states to spend the funding in a more flexible manner (e.g., for other traditional Title I services).

Rationale:

- Current federal law and regulations require schools to reserve a percentage of Title I funds for supplemental services expenses. If the funds are not expended by the end of the year, there is a small window of time within which schools can use these funds for other purposes. There is not always sufficient time and flexibility to expend these funds.
- The late release of unused set-aside funds and the resulting impracticality of being able to spend all those funds in that school year, results in the appearance of excessive carryover and decreased district need, which is quite the opposite of reality.
- Funds that are not appropriated until late in the school year should be carried over to the next school year.

All public schools, charter schools, and nonpublic schools receiving federal funds should be required to use the same state assessment and meet the same state criteria for determining AYP.

Rationale:

- Schools identified as "receiving schools" must meet AYP criteria and/or Safe Harbor provision to gain authorization to receive federally funded transfer students.

The graduation rate should be extended to within at least five years of entering high school.

Rationale:

- The requirement to report graduation within four years does not take into account each student's individual learning needs.
- High school graduation should be based on mastery of subjects, not on completion of seat time.

Students who complete high school with a state-approved *exit document*[4] should be counted as graduates.

Rationale:

- States have approved many types of high school exit documents to meet the unique needs of students.
- Any document that a state has approved for graduation should be accepted by the ED.

Identified special-needs students who complete high school with a state-approved exit document should have until *age 21, inclusive*[5], to be counted as graduates as defined by the Individuals with Disabilities Education Act (IDEA).

Rationale:

- IDEA allows students with disabilities to be educated by and graduate from public high schools until age 21, inclusive; therefore, NCLB should adopt statutes already written into existing federal law.

The scores of English language learners (ELL) should not be used in the determination of AYP until these students have developed language proficiency, as evidenced by a research-based and state-approved assessment.

Rationale:

- Research suggests that 7–10 years is required for individuals to become cognitive academic language proficient—the level of language proficiency required to demonstrate academic proficiency on assessment. [Banks, J. (2004). *Multicultural Education: Issues and Perspectives.* Hoboken, NJ: Wiley Jossey-Bass.] NCLB requires reporting scores of new ELL students in three years, a period of time often insufficient for the development of language functionality.
- The practice of testing students in the English language on academic assessments is confusing, inappropriate, and of little value for ELL students who have not yet mastered the language.

AYP should not be based on the results of one test, but should be based on the results of multiple assessments and multiple opportunities to retake the test.

Rationale:

- Multiple assessments provide greater reliability in determining individual student progress toward meeting graduation requirements.

Safe Harbor[6] **should be defined as demonstrated improvement and should apply to all required reporting areas.**

Rationale:

- When a district or school can demonstrate overall subgroup growth on the state assessment and on all "other academic indicators," it should not be labeled as "in need of improvement."
- Schools or districts that do not meet AYP or do not show improvement in all "other academic indicators" shall be designated as "in need of improvement."

States should calculate AYP for each student subgroup on the basis of state-developed growth formulas that calculate growth in individual student achievement from year to year.

Rationale:

- *Individual student growth*[7] is the most important indicator of student success.
- The most accurate measures of student and school performance analyze individual student growth from year to year.
- In implementing an individual growth model to measure annual student achievement, assessments used to determine AYP must be aligned to provide consistent, individual student longitudinal performance information.
- Current NCLB AYP determination only measures student performance by comparing different sets of students at the same grade level.
- The current AYP calculation has many schools and districts focusing on students closest to the cut scores rather than those with the greatest need.

A portion of federal funds, including Title II and Higher Education Act funds, should be allocated for professional development programs specifically focused on local schools in the area of adolescent literacy and in the use of data to improve student achievement.

Rationale:

- The instructional leader and the school's leadership team must have the capacity to improve student achievement through the use of data.
- The pedagogy of teachers in secondary schools must include strategies to improve adolescent literacy.
- Access to data does not always mean understanding or utilization.
- State allocation of federal funds for training might not be currently used to train local school staff members on literacy and the proper use of data.
- Higher education programs in principal and teacher preparation must provide training in the use and interpretation of data to improve student achievement.

Lack of a highly qualified teacher should not be grounds for litigation.

Rationale:

- Parents of children in classrooms that do not have a highly qualified teacher should not have grounds to sue the school, principal, or district.
- For many districts it is very difficult to find highly qualified teachers for every subject, particularly in rural and high-need areas. Also, in many of these areas, teachers teach more than one subject because of the lack of qualified candidates.
- There are more productive means of solving situations where there is a lack of a highly qualified teacher, such as moving the student to another classroom with a highly

qualified teacher or providing mediation between the parent and teacher to understand how and when the teacher will become highly qualified.

There should be an allowable use of funds under Title II of NCLB to create meaningful teacher mentoring programs that significantly sustain the retention and development of new teachers.

Rationale:

- An issue of paramount concern is the importance of mentoring and sustaining new teachers, because research indicates that many new teachers leave the profession within the first five years of service.
- Funding to provide programs designed to retain these teachers and provide them with the skills to persist is essential to meet the intent of NCLB.

The number of alternative assessments that are counted toward making AYP should be expanded to accommodate schools that have high populations of students with *cognitive disabilities*[8] and more accurately reflect the true school population of students with cognitive disabilities.

Rationale:

- Expanding the percentage of students who may count toward the number of alternative assessments helps to accommodate schools and districts that have high populations of students with cognitive disabilities and more accurately reflect the true population of students with cognitive disabilities.

Special education teachers should have until the beginning of the 2007–08 school year to complete the requirements for highly qualified status

Rationale:

- With the inception of NCLB in 2002 and subsequent guidance and regulations from the ED, general education teachers had a very specific definition of "highly qualified." During the first years of the law, such a clear definition was not afforded to special education teachers.
- When IDEA was reauthorized in fall 2004, continued definition and guidance was given to special education teachers. However, at this point they were two years behind their peers in beginning the process of becoming highly qualified; therefore, it is reasonable that special education teachers should be given an extension to reach highly qualified status.

Teachers of students with disabilities, who hold special education certification should be considered highly qualified to provide instruction in grades 9–12.

Rationale:

- Special education certification courses train individuals to provide targeted remediation for students with special needs in the curriculum areas measured by NCLB.
- Special education teachers must also pass tests of general knowledge to become certified and should therefore reliably possess the general knowledge covered in grades 9–12.

Teachers with special education certification who have or acquire highly qualified status in English, mathematics, or science should receive a yearly tax credit of $2,500 for the duration of service in those subject areas.

Rationale:

- Teachers who currently hold a special education certification and who have or acquire highly qualified status should be rewarded with incentives for pursuing professional development that will allow them to teach in special education and subject-matter areas.
- Acquiring extra certifications after one has already completed a state's required licensure requirements presents a hardship to personnel who already have a salary below the average for individuals with bachelor's degrees.
- These teachers should be compensated for adding this licensure, which is an added financial responsibility.

Teachers who are highly qualified in English, mathematics, or science and who have or acquire special education certification should receive a yearly tax credit of $2,500 for the duration of service.

Rationale:

- There is a severe shortage of special education teachers.
- Offering an incentive, such as a tax credit, to those subject-matter teachers who pursue special education certification may help recruit and retain more special education–certified teachers.
- Subject-matter teachers deal with many different types of students in general classroom settings, including some mildly disabled children. Allowing subject-matter teachers to become special education certified will help them educate the diverse student population they teach. It also represents the spirit of NCLB in providing the most challenging and high-quality education to every student.

Those teachers entering the special education field who hold a Federal Family Education Loan or Federal Direct Loan should be given tuition reimbursement of up to $17,500 after completing their first five years of service as a special education teacher in a public school.

Rationale:

- There is a severe shortage of special education teachers.
- The federal government needs to find ways to recruit and retain teachers in this field.
- The federal government has offered tuition reimbursement for teachers in high-need areas in math and science, and a similar program should be offered to all highly qualified special education teachers who are in need in every school in the nation.
- The amount of reimbursement offered to teachers who meet these requirements should be $17,500. In addition, a teacher should have to remain in the special education field for five years before receiving reimbursement to encourage retention.

The NCLB Task Force

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Definitions

1. **Confidence interval.** A confidence interval is a range of values percentages within which we are reasonably confident a school's proficiency value lies. A school's proficiency percentage is subject to random variation from year to year. If a school is told that 50% of students are proficient, with a confidence interval of 45%–55%, one would conclude that the true proficiency percentage of the school could be as low as 45% or as high as 55%. To evaluate AYP, compare the AYP target to the upper limit of the confidence interval (55% in the present example): If the AYP target falls above the upper limit, the school has not met AYP; if the target is less than or equal to the upper limit, the school meets AYP.

2. **Subgroup size.** A subgroup is a group of students who are economically disadvantaged, students from a major racial and ethnical group, or students with disabilities or students with limited English proficiency. Subgroup size is determined by the state and is based on subgroup populations. Subgroup size is set at the number of students required in a subgroup to yield statistically reliable information.

3. **Funding transfer.** NCLB designates that federal funds be allocated to specific programs and purposes. Federal laws limit when these funds may be obligated and spent, yet variables such as delays in the federal funding process make it difficult for schools and school districts to plan effective budgets. Allowing unused funds to be transferred at the end of the year and offering a lengthier time period within which to spend the funds would ensure more effective use of unallocated federal resources.

4. **Exit document.** States vary considerably in graduation requirements and the type of exit documents available for all students. Most states offer a number of exit options, including a standard regular diploma, an IEP diploma, a certificate of attendance, an honors diploma, and other options. Only nine states offer the standard regular diploma as the only exit document for students.

   NCLB law requires secondary schools to include a secondary academic indicator of graduation rates when determining AYP. NCLB defines graduation rate as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.

5. **Age 21 inclusive.** According to the Education for All Handicapped Children Act of 1975, a free appropriate public education is available to all children with disabilities residing in the state between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

6. **Safe Harbor status.** Safe harbor is a growth model that acknowledges improvement and gives credit for demonstrated progress toward meeting an achievement benchmark even if the target is not fully achieved. If a student subgroup in a school does not meet academic proficiency on state assessments, it will still meet AYP if the percentage of students not meeting proficiency decreases by 10% from the previous year and if the subgroup makes progress on one or more other academic indicators described in the law.

7. **Individual student growth model.** NCLB currently tracks student achievement through an improvement model, which measures progress by tracking proficiency in different student cohorts (e.g., this year's third-grade students are compared to last year's third-grade students). In contrast, an individual student growth model measures progress by tracking the achievement score or proficiency level of individual students from one year to the next.

8. **Cognitive disability.** Neither NCLB or IDEA law define cognitive disability. IDEA regulations define cognitive disability as mental retardation and traumatic brain injury. The Americans with Disabilities Act defines a cognitive impairment as one that affects a person's ability to reason, understand, and learn and distinguishes two categories: learning disabilities and mental retardation.

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[Letter from the National School Boards Association (NSBA) follows:]

Letter from the National School Boards Association (NSBA)

The National School Boards Association (NSBA), representing over 95,000 local school board members across the nation, commends you for your strong support to reauthorize the Elementary and Secondary Education Act (ESEA)/No Child Left Behind (NCLB) Act during the 110th Congress, and for establishing an aggressive schedule for congressional hearings over the coming weeks. NSBA looks forward to participating in future hearings and very much appreciates the opportunity to submit written testimony for the record.

NSBA strongly supports the goals of the Elementary and Secondary Education Act and its subsequent reauthorizations, including the No Child Left Behind Act of 2001. Now that local school districts have had five years of implementation, we urge you to fully incorporate our recommendations for improvements to the law. Many school boards believe that some of the current provisions in the law do not recognize the complex factors that influence student performance. Additionally, local school boards are concerned that the law has resulted in may unintended consequences that must be addressed. Of utmost importance is our belief that the current accountability framework does not accurately or fairly assess student, school, or school district performance. NSBA believes that the law can be amended to address key barriers to full implementation while maintaining the core principles of the law to improve achievement for all students.

In January 2005, NSBA officially unveiled its bill, the No Child Left Behind Improvements Act of 2005. The bill contains over 40 provisions that would improve the implementation of the current federal law. In June, 2006, Representative Don Young (R-AK) introduced H.R. 5709, the No Child Left Behind Improvements Act of 2006, which incorporated all of the NSBA recommendations. Co-sponsors of H.R. 5709 included Representatives Steven R. Rothman (D-NJ-9), Rob Bishop (R-UT-1), Todd Platts (R-PA-19), and Jo Bonner (R-AL-1). In January 2007, Rep. Young reintroduced his bill as the No Child Left Behind Act of 2007, H.R. 648. The bill's co-sponsors to date include Representatives Charlie Melancon (D-LA-3), Steven Rothman (D-NJ-9), Jo Bonner (R-AL-1), Thaddeus McCotter (R-MI-11), and Todd Platts (R-PA-19), verifying strong bi-partisan support for these important improvements to the current law. The bill addresses the key concerns of local school boards and would:

- Increase the flexibility for states to use additional types of assessments for measuring AYP, including growth models.
- Grant more flexibility in assessing students with disabilities and students not proficient in English for AYP purposes.
- Create a student testing participation range, providing flexibility for uncontrollable variations in student attendance.
- Allow schools to target resources to those student populations who need the most attention by applying sanctions only when the same student group fails to make adequate yearly progress (AYP) in the same subject for two consecutive years.
- Ensure that students are counted properly in assessment and reporting systems.
- Allow supplemental services to be offered in the first year of "improvement".
- Strengthen federal responsibility for funding.
- Require NCLB testing and reporting for non-public schools for students receiving Title I services.

NSBA encourages you to review the No Child Left Behind Improvements Act of 2007, H.R. 648 in its entirety. However, for your convenience we have enclosed a copy of our Quick Reference Guide to the bill that provides a summary of the recommended provisions along with the rationale. We will also provide you with recommended legislative language which should be helpful to your staff in drafting the new bill.

Although the No Child Left Behind Act of 2001 established a rigorous but theoretical accountability system for the nation's public schools, what has evolved in the name of accountability is a measurement framework that bases its assessment of school quality on a student's performance on a single assessment; and mandates a series of overbroad sanctions not always targeted to the students needing services; and to date not yet proven to have significant impact on improving student performance and school performance.

We believe that by adopting our over 40 recommendations—that have bipartisan congressional support—the goals of the Elementary and Secondary Education Act and its subsequent reauthorizations to significantly improve the academic performance of all students would be achieved.

NSBA very much appreciates the opportunity to submit written testimony for the record, and we look forward to working closely with you and your staffs to complete the reauthorization process during this First Session of the 110th Congress.

Sincerely,

MICHAEL A. RESNICK,
Associate Executive Director.

[The National School Boards Association Quick Reference Guide follows:]

National School Boards Association Quick Reference Guide

Measuring Adequate Yearly Progress: Group Size/Measuring AYP of Groups

1. The "N" size may be larger for school districts than for schools.

Rationale: Larger school districts are negatively impacted by the "N" number designed for an individual school. If larger school districts are to be identified as "in need of improvement," a larger "N" number is more appropriate—of course, subject to the approval of the state.

2. The "N" size for a group within a school may be increased to a number or percentage of that school's total school enrollment to better align with schools with large enrollments.

Rationale: The number of students within a specific subgroup may vary, so very large subgroups should be able to have a different "N" number than subgroups with a very small number of students.

3. The "safe harbor" requirement is reduced from 10% to 5%.

Rationale: This flexibility would permit subgroups to demonstrate progress and such recognition would provide an incentive for the students in the subgroup as well as their families.

4. In calculating AYP, students identified in more than one group may be represented in the count for each group as an equal fraction totaling one student.

Rationale: This change creates a fairer approach in determining AYP for schools with students belonging to more than one group than over representing their count and would not adversely affect schools with greater diversity.

Goals for Adequate Yearly Progress

5. A state may permit a school to be identified as meeting AYP when one or more subgroups fail to meet AYP targets as long as the total number of students in the subgroups failing to meet their AYP targets does not exceed 10% of the total number of students counted for the specific assessment or indicator. (This alternate method could not be applied to the same groups for the same subject in two consecutive years.)

Rationale: This option permits a one year deferral of a school being identified for improvement when small numbers of students prevent a group from making AYP.

6. Intermediate goals do not have to increase in equal increments.

Rationale: This option would give school districts flexibility in addressing the unique needs of specific subgroups that may already be positioned at different points to achieve full proficiency.

7. Different groups can have different rates of increase to ultimately reach 100% proficiency.

Rationale: This option would provide school districts flexibility in addressing the unique needs of specific groups.

Gain Scores and Other Measures of AYP Developed by the State

8. The basic AYP measurement system may be expanded to include: 1) gain score approaches (like value added) and 2) partial credit for meeting basic proficiency targets.

Rationale: The current accountability system, focused on "cut scores," is flawed and does not address the need to measure performance via more than one method.

9. Alternate methods of measuring AYP for schools and/or school districts may be substituted for the existing methodology, provided the system is based on attaining proficiency in the 2013-14 school year and using intermediate goals.

Rationale: States would have greater flexibility to design their accountability systems while continuing to support the broader goals of NCLB.

Participation Rate

10. The specific requirement for 95% test participation may be adjusted to a range of 90% to 95% (based on criteria established in the state plan).

Rationale: With "N" numbers being relatively small, meeting the current participation requirements could be impacted by the absence of only one or two students.

11. Students may be exempted from the participation rate requirements on a case-by-case basis due to medical conditions, current state laws that grant parents final decisions regarding participation on standardized assessments and uncontrollable circumstances (e.g. natural disaster).

Rationale: This option would recognize that there may be unique circumstances facing students that would warrant exceptions to participation, and such absence should not adversely impact the performance of the entire school or school district.

12. Students determined to have "unusual patterns of attendance" as defined by the state education agency may be exempt from the calculation to determine participation rate and referenced in the local school district accountability plan. (This cat-

egory of students may include chronic truants as well as students who fail to attend school on a regular basis because of life circumstances but continue to maintain their official enrollment status.)

Rationale: In some communities there are students with very poor attendance but who continue to be encouraged to remain in school rather than drop-out. By having this option, schools would continue to encourage such students to remain in school without the worry of the impact on this student's performance on the school's ability to make AYP.

13. Students not participating in the assessment and determined not to be eligible for exemptions may be assigned a "below basic" score by the school. In such cases, the school may not be identified as failing to meet the participation rate for AYP on the basis that those same students did not take the assessment.

Rationale: Currently a school could be labeled as "in need of improvement" on the basis of performance and participation. When calculating AYP, this option would permit a school to make AYP as long as the AYP targets were met since the absent students are given a "below basic" score as part of the final AYP determination.

Students With Disabilities

14. As determined by the state, students with disabilities may be offered an alternate assessment for the purpose of determining AYP, provided that any such assessment is reflected by the student's IEP and is based on the IEP team's evaluation and the services to be provided for that student—and meets parent consent requirements for IEP's.

Rationale: The IEP team has the authority to determine the academic requirements for the students and NCLB should not override its authority.

15. The percentage of students statewide who may have their score counted under this provision as meeting AYP may not exceed 3% of the total number of students assessed.

Rationale: This percentage is consistent with the research.

16. Consistent with the student's IEP, alternate assessments may include out of level assessments. Likewise, a student's test results for the purpose of determining AYP may be based on gain scores toward meeting the state standard for proficient or on an adjusted "cut" score for determining proficient.

Rationale: The IEP team has the authority to determine the academic requirements for the students and NCLB should not override its authority.

Limited English Proficient Students

17. The current regulation is codified relating to 1) first year students in the United States, and 2) counting students as LEP for determining AYP once they leave the group except that such count may be extended to a third year.

Rationale: The law would be consistent with the regulatory changes that have already been issued by the U.S. Department of Education.

18. Students may be provided an alternate assessment that is based on making specific gains individually determined for that student toward meeting state standards for up to three years, as determined by the local school district.

Rationale: Such flexibility is necessary to meet the needs of individual students who enroll in schools with wide variations in English fluency.

19. The higher score achieved by a student who is assessed more than once prior to the beginning of the next school year may be used as the sole score for that student for the purposes of determining AYP.

Rationale: Students should be evaluated on their best scores similar to SAT participation.

First Assessments

20. If a student scores proficient or above on an assessment taken prior to the academic year in which that assessment is normally offered, that student's score can be counted for the purpose of determining whether AYP was met. However, if that student fails to score at the proficient level, that student's score will not be counted for determining AYP.

Rationale: Schools that offer such assessments more than once should have flexibility in calculating performance using the best possible scores.

State Flexibility by the U.S. Department of Education

21. In approving a state's NCLB accountability plan the Secretary shall grant states flexibility to alter the federal framework to align with the state's own accountability system.

Rationale: States have the responsibility for educating their students and should have the authority to use state systems subject to approval by the Secretary.

22. The Secretary may provide statutory and regulatory waivers—including waiving requirements that are unnecessarily burdensome or duplicative of state requirements.

Rationale: States should not have to implement federal mandates that are inconsistent, duplicative, or add no value to state requirements as long as those state requirements support the broader objectives of NCLB.

23. When the Secretary approves an amendment to a state plan or grants a waiver, that information must be published on the U.S. Department of Education website in clear and complete language within 30 days.

Rationale: Information regarding adjustments approved by the Secretary is not readily available. This change would ensure that all states are informed regarding adjustments and accommodations granted by the Secretary.

24. A waiver or state plan revision approved by the Secretary shall be available to any other state on a case-by-case determination.

Rationale: This change would encourage equitable treatment by the U.S. Department of Education.

Public School Choice

25. A transfer option need only be offered to those low achieving students within the group who failed to meet their AYP targets in the same subject for two or more years—not to all students in the school.

Rationale: Although an unintended consequence from the current law, higher performing, more affluent students opt for the transfer, leaving the school less likely to improve its performance in subsequent years.

26. Financial obligations for a school district to provide transportation for a student ends when the group to which the student belongs no longer is identified as not meeting AYP target within the student's former school even if that school continues to be identified as not making AYP for other reasons.

Rationale: Title I funds are already limited. Continuing such financial obligations without the need adversely impact already limited resources.

27. A student need only be offered the option to transfer to one other school rather than the current interpretation of at least two schools.

Rationale: This change would make the regulations consistent with the intent of the law, and acknowledge the often very limited choice options available in many small school districts.

28. The current regulation exempting students from being offered the transfer option when health and safety are involved is codified and the following conditions for exemption are added: 1) class-size laws, 2) overcrowding, 3) the need for mobile classrooms, construction, or other significant capital outlays, and 4) such travel burdens as time, safety, and unusually high per pupil costs.

Rationale: This would make the law consistent with the regulations already issued.

Supplemental Services

29. Supplemental services may be offered in the first year that a school is in improvement status—rather than only offering the transfer option for that year.

Rationale: Research supports the change, and the Secretary has already granted such an option to many states.

30. Supplemental services need only be offered to low achieving students within the specific group that fails to make AYP in the same subject for two or more years.

Rationale: Given the limited Title I funds available, such resources should be targeted only to those students who have demonstrated a need, not all Title I eligible students.

31. The state is required to consult with school districts in developing criteria for supplemental service providers.

Rationale: Currently, providers are placed on the list with little, if any, input from local school districts that often have relevant information concerning their performance.

32. The state may establish a date, not later than December 15, to permit school districts to spend portions of the 20% set-aside from Title I not needed for such services with appropriate parent notification.

Rationale: This would allow school districts to reallocate funds to support other Title I initiatives for eligible students within the district. Currently such funds cannot be released to support much needed programs during the remainder of the school year.

33. The state is required to develop—and make available to the public—procedures to enable local school districts to bring complaints regarding the selection and

performance of the provider, and number of schools served by the provider if such scope of service adversely affects the quality of service.

Rationale: Currently, local school districts have little recourse regarding substantive complaints against the providers, forcing unnecessary political/partisan engagements.

34. School districts may not be denied the opportunity to provide supplemental services solely because they did not make AYP or they are in improvement, corrective action, or restructuring status.

Rationale: Under current regulations, local school districts identified as "in need of improvement" are not permitted to offer supplemental services. This is an unnecessary restriction resulting in costlier programs using the same teachers and facilities that would be available with the school district as a provider. Secondly, Secretary Spellings has already granted such exceptions to some districts.

Sanctions in General

35. Sanctions for schools and school districts will apply only when AYP is not met by the "same group " for two or more consecutive years in a subject or the "same indicator "—rather than applying sanctions when different groups and/or different indicators are involved from year to year in that subject.

Rationale: This provides a more reasonable approach in the identification of schools. Under current law, even if a subgroup previously not making AYP subsequently makes AYP, the school is forced to be identified and subject for sanctions. By requiring at least a two-year pattern of low performance, limited school resources can be strategically targeted, and the number of schools identified would be reduced.

36. The application of corrective action sanctions to restructure a school district will occur when it fails to make AYP in each grade.

Rationale: This change provides a more reasonable approach and has been approved for some states by the U.S. Department of Education.

37. Provisions of federal law requiring the restructuring of a school or a school district shall not be implemented unless the total number of students in the groups not scoring proficient or above exceeds 35% of that school or school district's enrollment.

Rationale: Under current law, an entire school district could be identified for restructuring based on as few as 50 students if that were the "N" number, regardless of how large the enrollment is in the school district. This change would acknowledge that before an entire school district is identified for costly restructuring, the percentage of students not meeting AYP must represent at least 35% of the total enrollment.

38. In addition to deferring implementation of sanctions for one year for schools and school districts that face hardships such as natural disasters or financial difficulties, implementation may also be deferred due to a sudden change in the enrollment of particular groups of students in the school or within identified groups.

Rationale: This change would acknowledge that there could be very unique circumstances facing a school district such as those school districts receiving displaced students from the Gulf Coast hurricanes.

39. Sanctions relating to corrective action and restructuring will be deferred in any year that appropriations for Title I is not increased by at least $2.5 billion over the previous year until Title I is fully funded.

Rationale: Federal funding should bear some relationship to requirements to implement costly sanctions. Therefore, Congress should be held accountable for its fiscal commitment.

40. Sanctions relating to corrective action and restructuring will be deferred in any year that appropriations are not increased by at least $2 billion over the previous year for students with disabilities.

Rationale: Federal funding should bear some relationship to requirements to implement costly sanctions. Therefore, Congress should be held accountable for its fiscal commitment.

Non-Public Schools

41. Students receiving Title I benefits in non-public schools shall be given the same assessments, as public school students, with appropriate accountability and test reporting requirements to parents and school districts that are required by NCLB to provide consultative services to those non-public schools.

Rationale: Non-public schools receiving federal support should be subject to the same measures of performance and accountability as public schools.

42. States may authorize a cessation of Title I support to a non-public school whose Title I students as a whole do not make AYP and perform at lower levels than the area public school(s) for three years or more.

Rationale: Non-public schools receiving federal support should be subject to the same measures of performance and accountability as public schools.

[Letter from the National Parents and Teachers Association (PTA) follows:]

March 13, 2007.

Hon. EDWARD KENNEDY, *Chair,*
Hon. MICHAEL B. ENZI, *Ranking Member,*
Senate Committee on Health Education, Labor and Pensions, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. GEORGE MILLER, *Chair,*
Hon. HOWARD P. "BUCK" MCKEON, *Ranking Member,*
House Committee on Education and Labor, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN KENNEDY, CHAIRMAN MILLER, RANKING MEMBER ENZI AND RANKING MEMBER MCKEON: Thank you for convening this bicameral hearing on the reauthorization of the Elementary and Secondary Education Act and for allowing me this opportunity to submit testimony on behalf of the National PTA. As national president of PTA, I represent nearly 6 million parents, teachers, students and other child advocates devoted to the educational success of children and the promotion of parent involvement in schools. We are greatly encouraged by the cooperation between both sides of the Capitol, evidenced by this hearing, and we hope it will lead to the development of a more comprehensive bill that will be accepted widely.

PTA is a registered 501 (c)(3) nonprofit organization that prides itself on being a powerful voice for children, a relevant resource for parents, and a strong advocate for public education. Membership in PTA is open to anyone who is concerned with the education, health, and welfare of children and youth. Since its founding in 1897, PTA has reminded our country of its obligations to children and provided parents and families with a powerful voice to speak on behalf of every child. PTA strives to provide parents with the best tools to help their children succeed in school and in life. With more than 25,000 local, council, district, and state PTAs in the 50 states, the District of Columbia, the U.S. Virgin Islands, and Department of Defense Dependents Schools overseas, membership in PTA is open to anyone who supports the Mission and Purposes of PTA.

The reauthorization of the Elementary and Secondary Education Act (ESEA) in 2001 as the No Child Left Behind Act (NCLB) took great strides towards providing accountability for schools to ensure that every student becomes proficient in math and reading. PTA is looking forward to science being included in the equation, and, we hope this will help to create more jobs and opportunities for students in cutting-edge fields of study. Keeping the United States competitive in a global market was a major priority during the last reauthorization; PTA hopes this priority will continue as Congress looks to reauthorize the law. In addition, PTA continues to support the original intent of ESEA in helping children of low-income families receive a high-quality education equal to their economically-advantaged peers.

The No Child Left Behind Act of 2001 provided an excellent outline of accountability. It is PTA's hope that reauthorization of the law will shore up some of the items that were overlooked during the last reauthorization, or found to be flawed during implementation. Congress has an excellent opportunity to fine-tune this law to make it more effective in reaching the goal of 100 percent proficiency by the 2013-2014 school year.

The PTA believes it is imperative that parents know exactly why their child's school is failing, what the state is doing about it, and the options available to parents—all in a very clear and understandable manner. In its current form, NCLB does not give explicit instructions to the state or local education agency (SEA and LEA, respectively) regarding how and when they should involve parents. Moreover, there is no unified, consistent method for an LEA to keep their parents notified of how their child's school is doing and what actions the school is taking to become proficient under NCLB.

The PTA believes that including parental involvement specifically within the Committee's objectives will enhance substantially opportunities for parents to become and remain involved in their child's education. In addition, expansion of Parental Information and Resource Centers (PIRCs) will improve parental involvement in Title I schools. A PIRC can be extremely useful in not only helping parents with

their questions and concerns, but also in providing "technical assistance" to those schools not achieving Adequate Yearly Progress (AYP) for two years. By supporting this provision, PIRCs can continue to be a vital tool for parents, teachers, and the LEA.

PTA's interests are not limited to parent involvement. The Committee needs to take a critical look at how to ensure schools include as many students as possible in their accountability standards. ESEA was established to provide a helping hand to those students who need to help the most. More attention needs to be paid to these students and not the overall school. Finding a way for individual students to be tracked will greatly enhance our ability to identify their strengths, weaknesses, and specific assistance they need to improve their academic skills.

Supplemental Education Services should be better publicized and the process to become one of these services needs to encourage participation rather than serve as an obstacle. The reauthorization must provide states the flexibility to offer unique services that will enhance a student's education.

The Committee should also explore ways in which a more comprehensive view of student progress can be assessed and measured. Reading, math, and science are extremely important to student academic success, but do not overlook the importance of art, music, civics, history and other core subjects that are critical to the development of the whole child.

It is imperative to ensure the resources that help schools, districts and states meet the goals of this important legislation. As states continue to implement the provisions of NCLB, schools across America are working hard to improve academic results for all children. Having the necessary resources is crucial to its success.

Through all of the changes the Committee may contemplate in the reauthorization of ESEA, PTA urges you to consider how it will affect parents and how you can provide a way for them to become more involved. There is little incentive and even less accountability in the current law for SEAs and the LEAs to include parents in critical decisions that affect their child's learning. While no state can force a parent to be involved, the more opportunities that exist, the better chance a parent will become and remain active. By mandating what a state MUST do and by having some part of the state and federal departments of education ensuring all parent involvement sections are being followed, more parents will find opportunities to take a much larger role in their child's education.

The PTA thanks you for your tireless work on behalf of our nation's children. We look forward to working with you throughout the reauthorization. Our members stand ready to assist you in any way they can.

Sincerely,

ANNA WESELAK,
PTA National President.

[Whereupon, at 12:09 p.m., the committees were adjourned.]

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