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REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

HEARING

BEFORE THE

COMMITTEE ON
EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, SEPTEMBER 10, 2007

Serial No. 110–61

Printed for the use of the Committee on Education and Labor

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REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Monday, September 10, 2007
U.S. House of Representatives
Committee on Education and Labor
Washington, DC

The committee met, pursuant to call, at 10:10 a.m., in Room 2175, Rayburn House Office Building, Hon. George Miller [chairman of the committee] presiding.

Present: Representatives Miller, Kildee, Payne, Andrews, Scott, Woolsey, Hinojosa, Tierney, Wu, Holt, Davis of California, Grijalva, Bishop of New York, Sanchez, Sarbanes, Loebsack, Hirono, Yarmuth, Hare, Clarke, Courtney, Shea-Porter, McKeon, Petri, Castle, Biggert, Wilson, Kline, McMorris Rodgers, and Price.

Staff Present: Aaron Albright, Press Secretary; Tylease Alli, Hearing Clerk; Alice Johnson Cain, Senior Education Policy Advisor (K-12); Alejandra Ceja, Senior Budget/Appropriations Analyst; Fran-Victoria Cox, Documents Clerk; Adrienne Dunbar, Legislative Fellow, Education; Sarah Dyson, Administrative Assistant, Oversight; Adam Ezring, Junior Legislative Associate; Denise Forte, Director of Education Policy; Ruth Friedman, Senior Education Policy Advisor (Early Childhood); Michael Gaffin, Staff Assistant, Labor; Lloyd Horwich, Policy Advisor for Subcommittee on Early Childhood, Elementary and Secondary Education; Lamont Ivey, Staff Assistant, Education; Thomas Kiley, Communications Director; Ann-Frances Lambert, Administrative Assistant to Director of Education Policy; Danielle Lee, Press/Outreach Assistant; Sara Lonardo, Staff Assistant; Jill Morningstar, Education Policy Advisor; Ricardo Martinez, Policy Advisor for Subcommittee on Higher Education, Lifelong Learning and Competitiveness; Stephanie Moore, General Counsel; Alex Nock, Deputy Staff Director; Joe Novotny, Chief Clerk; Rachel Racusen, Deputy Communications Director; Mark Zuckerman, Staff Director; James Bergeron, Minority Deputy Director of Education and Human Services Policy; Kathryn Bruns, Minority Legislative Assistant; Cameron Coursen, Minority Assistant Communications Director; Kirsten Duncan, Minority Professional Staff Member; Taylor Hansen, Minority Legislative Assistant; Amy Raaf Jones, Minority Professional Staff Member; Victor Klatt, Minority Staff Director; Chad Miller, Minority Professional Staff; Susan Ross, Minority Director of Education and Human Services Policy; Linda Stevens, Minority Chief Clerk/As-

sistant to the General Counsel; Sally Stroup, Minority Deputy Staff Director; and Brad Thomas, Minority Professional Staff Member.

Chairman MILLER. The Committee on Education and Labor will come to order. The Chair notes the presence of a quorum. I would like to begin with an opening statement by the Chair. That would be me. In Washington, we talk like an out-of-body experience.

Good morning and welcome to everyone in attendance. Today I certainly want to thank, in the beginning, all of those who have agreed to testify. There were many more people who sought to testify that we were not able to accommodate, but we have asked them to give us written submissions so that the members and the staff could review their comments and their concerns along with those who are testifying in the hearing. I want to thank the members of the committee on both sides of the aisle for their attendance.

Today is a bit of an unusual day. We have a number of members who also serve on the Armed Services Committee, where a very important hearing will begin later this morning. And we have a very extensive witness list. I would encourage that this would be a listening session. But I also want to make it clear for members who have a specific concern or if there is ambiguity or a point of clarification that you seek to have made I would encourage you to go ahead and pursue that effort. But we would like to make sure that we are able to get through all of the witnesses in a timely fashion. So it is a little bit different, but in no way seek to diminish the rights that the members have under the 5-minute rule to question any members of the panel that is before us.

Let me begin by just saying that all parents, no matter where they live, how much they earn or what color their skin, want their children to go to a good school, to do well academically, and to go and have the opportunity to go on to college or to a good and rewarding job. And as a Nation concerned with our leadership in the world, the strength of our economy, the vitality of our democracy, we must ensure that every child receives the best possible education. We have known for decades that too many children, particularly poor and minority children, are being deprived of the opportunity of a decent education that could help them lead more successful and gratifying lives. Six years ago, we finally came together on a bipartisan basis to do something about that. We asked the States to set higher standards for the schools and students. We did this because we believed that every child could succeed if given access to a highly qualified teacher, a sound curriculum and a decent school. We also made performance at our schools transparent and began to hold schools accountable for their performance. These were historic and positive changes.

However, we didn't get it all right when we enacted No Child Left Behind. I know it is rare to hear such an admission in Washington, but it is the truth. We simply didn't get it all right the first time around. In increasing numbers and with increasing urgency, the American people are telling us that No Child Left Behind is not fair, not flexible and not adequately funded. We will not waver when it comes to accountability to setting high goals and standards of the current law. That is not negotiable. But we would be negligent, whether because of hubris or some short-sighted reasons, to

refuse to make significant improvements to the law that are necessary for it to succeed as we intended in 2001 and 2002. America's education law must insist on accountability with high expectations, high standards and high quality assessments. It must be a law that closes the achievement gap and helps all children learn. That same law must treat children in school fairly, to provide educators with flexibility and resources they need to succeed. Fortunately, we are not faced with a choice between more accountability or less accountability. Rather we face the obligation and the opportunity to finish what we started, to ensure that our system of educational accountability is smarter and more effective.

In late August and early September, Mr. McKeon, Mr. Kildee,Mr. Castle and myself released a bipartisan discussion draft for the reauthorization legislation. It has inspired a vigorous and welcome discussion about how we can improve the law. There have been over 60,000 downloads of that discussion draft to date. We took the unprecedented step of releasing a bipartisan discussion draft to ensure that the public would have ample opportunity to consider the comments on any direction that my colleagues and I believe we must take before we formally introduce a bill. This reauthorization process has been one of the most open, transparent and bipartisan processes that I have had the privilege to participate in. The bipartisan discussion draft reflects years worth of discussion with parents, teachers and administrators. It reflects the input of Members of Congress from both parties across all ideological minds. It reflects testimony delivered in nearly two dozen congressional hearings that were originally started under the chairmanship of Mr. McKeon when we started the bipartisan process last year before the elections. And it reflects the recommendation of more than 100 education, civil rights and business organizations.

A good process, however, is the result of more than just logistics. More than anything, the changes we are recommending are motivated by the aspirations and the expectations of parents for their children. We must do better, and we can do better. And here is how we can do it. For starters, we must have a clear, richer and more informed understanding of what is happening inside of our schools. That is why our discussion draft creates a smarter system of accountability that judges schools on more than just a single test on a single day. Emphasis will continue on reading and math. In fact, at the elementary level under the discussion draft, 85 percent of the accountability will come from reading and math scores as they do today. But we would also allow the use of additional valid and reliable measures to assess student learning and school performance more fairly, comprehensively and accurately. We want to make sure that schools get credit for the progress that they make with students over time. That is why we create a smarter system of accountability that includes a growth model for crediting schools for gains in student achievement. Even better, growth models will give us information that will be timely and helpful to teachers and principals in implementing reform. To be successful, our system of accountability must encourage States to set high standards. Lowering the bar so more children can reach it is a sham.

Across the country employers are telling us that too many high school graduates are not ready for the workplace while colleges are

telling us that too many high school graduates are not ready for the college classroom. Our bipartisan discussion draft asks business and higher education leaders to come together and work with educators to develop more rigorous State standards so that high school graduates will be ready for the next stage of their lives, whether they choose the workplace, a career or college. We must have a smarter system of accountability that distinguishes among different schools and the challenges facing them, as well as their needs for addressing those challenges. Schools with specific problems in specific areas should be allowed to use instruction interventions most appropriate to their needs. Schools facing greater challenges must receive more intensive support. Only in this way can we truly target our resources appropriately.

We will never achieve the goals of No Child Left Behind unless we change the way we treat teachers and principals. As a Nation, we are not offering teachers the respect and the support they deserve. As a result, we are facing a teacher shortage crisis. It is long past time that we treated teachers like valued partners in the education system. The bipartisan discussion draft provides incentives that will bring top talent into the classrooms that need it the most. These include teacher career ladders, improved working conditions, mentoring for new teachers, performance pay for principals and teachers based upon fair and proven models developed in collaboration with principals and teachers.

As we seek to make improvements to the law, we also need to ensure that States have adequate resources to make the law a success. We need greater and sustained investment in American education. In the new Congress, the Democratic leadership has begun this new era of investment. I would hope that, rather than fight against it, the President will join us in securing the new appropriated levels for Title I and for elementary and secondary education and No Child Left Behind. A great American education system for our children and our country cannot be built on the cheap. We will continue to insist upon high standards and high expectations for all children, poor children, minority children, children with disabilities and English language learners. There is no question about that.

But it is equally clear that in order to accomplish our shared and critical goal of meeting the expectations and aspirations of America's parents and students, we must make improvements to the current law. I am excited to hear from our panels today as we continue this open process we began last year. We will hear from 44 experts, from education, civil rights, business, philanthropic and research communities. I expect we will have a lively and informative discussion. And I want to thank all the witnesses again for their time and for their expertise. And at this point, I would like to recognize Mr. McKeon, the senior Republican on the Education and Labor Committee.

[The prepared statement of Mr. Miller follows:]

Prepared Statement of Hon. George Miller, Chairman, Committee on Education and Labor

Good morning and welcome.

All parents—no matter where they live, how much they earn, or what color their skin—want their children to go to a good school, to do well academically, and to go on to college or to a good, rewarding job.

And as a nation concerned with our leadership in the world, the strength of our economy, and the vitality of our democracy, we must ensure that every child receives the best possible education.

We have known for decades that too many children—particularly poor and minority children—were being deprived of the opportunity of a decent education that could help them to lead more successful and gratifying lives.

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In late August and early September, Mr. McKeon, Mr. Kildee, Mr. Castle and I released a bipartisan discussion draft of the reauthorization legislation. It has inspired a vigorous and welcome discussion about how we can improve the law.

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A good process, however, is the result of more than just logistics. More than anything, the changes we are recommending are motivated by the aspirations and expectations of parents for their children. We must do better, and we can do better.

Here's how we can do it.

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Even better, these growth models will give us information that will be timely and helpful to teachers and principals in implementing reforms.

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country, employers say that high school graduates are not ready for the workplace, while colleges say that high school graduates are not ready for the college classroom.

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But it is equally clear that in order to accomplish our shared and critical goal of meeting the expectations and aspirations of America's parents, we must make improvements to current law.

I am excited to hear from our panels today as we continue the open process we began last year.

We will hear from 44 experts from the education, civil rights, business, philanthropic, and research communities. I expect we will have a lively and informative discussion. I want to thank all of witnesses for their time and expertise.

Mr. McKEON. Thank you, Mr. Chairman, for convening today's hearing. We have an impressive list of witnesses here today to offer a broad range of viewpoints on this critical topic. Reauthorization of the No Child Left Behind is one of the greatest opportunities this committee has. It also is one of the greatest challenges. During my time as chairman, we began a series of hearings and meetings with stakeholders to thoroughly and thoughtfully examine the issues that must be confronted during reauthorization. Chairman Miller has continued that effort. Together we have held nearly two dozen hearings and met with countless educators and experts. I have been clear from the outset of this process that my goal is to lend my support to a bipartisan bill that strengthens the law and maintains its core principles of accountability, flexibility and parental choice. The staff on both sides of the aisle have been working tirelessly to produce a discussion draft that reflects what we have heard during our extensive hearing and meeting process. That draft, which we are here today to discuss, represents a starting point upon which to build. Chairman Miller and I along with Mr. Kildee and Mr. Castle, the chairman, senior Republican on the Elementary and Secondary Education Subcommittee, have been receiving written comments on the draft since it was released. Today

we have the opportunity to hear directly from those who share our commitment to ensuring that every child is learning. I have said this before, and it bears repeating: There are those who believe this draft goes too far in modifying the original law. And there are those who believe it does not go far enough. If there is one consistent message in the comments we have received, it is that this draft is far from perfect. Rest assured, this bill is far from complete and this process is far from over. We made great progress, but much work remains. But by adhering to the pillars of the law, accountability, flexibility and parental choice, I believe we can craft a bill that builds on NCLB's strengths, improves its shortcomings and produces even more results for students. Once again, I would like to thank Chairman Miller for convening this hearing and working in a bipartisan fashion to improve this landmark law, and I yield back the balance of my time.

[The prepared statement of Mr. McKeon follows:]

Prepared Statement of Hon. Howard P. "Buck" McKeon, Senior Republican Member, Committee on Education and Labor

Thank you, Mr. Chairman, for convening today's hearing. We have an impressive list of witnesses here today to offer a broad range of viewpoints on this critical topic, and so I will keep my remarks brief.

Reauthorization of the No Child Left Behind Act is one of the greatest opportunities this committee has. It is also one of the greatest challenges.

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Once again I'd like to thank Chairman Miller for convening this hearing and working in a bipartisan fashion to improve this landmark law. I yield back the balance of my time.

Chairman MILLER. I thank the gentleman. At this point, I would like to recognize The Chair of the subcommittee, and then I will recognize the senior Republican on the subcommittee, Mr. Castle.

Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman. Thank you for calling this important hearing on this bipartisan discussion draft. At the beginning of this process, you and I and our colleagues, Mr.

McKeon and Governor Castle, all spoke on the importance of this process being an open process. And this certainly has been. We have had hearings here in Washington. We have had hearings around the country. My subcommittee went to Michigan, California, Arizona and Pennsylvania with many subcommittee hearings here in Washington and many full committee hearings. And we received recommendations from hundreds of education people, civil rights, business and other organizations, and hundreds of our colleagues here in the Congress, including many of our freshman, who are very, very aware of what this bill was when they arrived here in Congress. In recent weeks, we have received hundreds of e-mails on the draft from parents, teachers and other educators. And today we will hear from about 40 witnesses who thoroughly have studied this bill. And as we continue to work together to improve and reauthorize the law, I look forward to the continuing openness on this.

I have always, and you have heard this many times—Jack Jennings has heard this for 31 years—I have always believed that education is a local function, a State responsibility and a very, very important Federal concern. It is a Federal concern for two reasons. We live in a very mobile society. A person educated in Michigan may wind up in Mississippi or vice versa. And we are competing in a global economy now. And what will give us the cutting edge in that global economy is an educated and trained workforce.

During those hearings, I have heard strong support from educators for the No Child Left Behind goals, including accountability, but equally strong convictions in more flexibility and more resources. Had we adopted the President's budget this year, we would be about $70 billion short of the authorization level. I for years have used the analogy that an authorization, and this is a very important thing, authorization, is like a Get Well card. It expresses our sentiment and how we value the person to whom we send the Get Well card. What our person, our friend really needs is the Blue Cross card, and the Blue Cross card is the appropriations bill. And this year, we did add about 9 percent; 7 percent adjusted for inflation, for No Child Left Behind. That is a significant step. But we really need to make sure this bill and this reauthorization really reflects the needs and the experience that we have had in the last few years. And we have called in around the country and called here again today people who can assist us in that. This process is very open. I look forward to the testimony. And thank you, Mr. Chairman.

Chairman MILLER. Thank you.

Mr. Castle.

Mr. CASTLE. Good morning. And thank you, Chairman Miller, for holding today's hearing. And I thank all of you for joining us. I look forward to hearing from the witnesses who are with us today. I think we can agree that one of the greatest challenges this Nation faces is ensuring every child receives the academic tools he or she needs to succeed in the future. Five years ago, Congress enacted the No Child Left Behind Act to help meet this challenge and to address the achievement gap that exists between disadvantaged students and their more affluent peers. The results are clear: No Child Left Behind is working. And this year, Congress has the

unique opportunity to work in a bipartisan way to create a bill which strengthens the law while at the same time maintains its core principles of accountability, flexibility and parental choice. For everyone here No Child Left Behind is a priority, as I expect it is across the Nation. In my opinion, being able to have an effective dialogue is imperative to the underlying reauthorization process. Over the last several years, the committee has held many hearings here in Washington and around the country to examine a number of issues for the reauthorization of No Child Left Behind. Today we have the privilege to hear directly from those who share Congress' commitment to what No Child Left Behind stands for. Since the draft's release, I, along with Chairman Miller and Kildee and senior Republican McKeon have received very useful feedback. As Mr. McKeon stated, this bill is far from complete and the reauthorization process is far from over.

However, this discussion draft represents a good starting place for the reauthorization of this important piece of legislation, and this hearing allows us to discuss the feedback we have heard. I believe that by hearing from you today, and throughout the rest of the process we can produce a bill that builds on No Child Left Behind's strengths, improves some of its limitations and continues to produce more results for our students, parents and teachers. Once again Mr. Miller, thank you for holding this hearing and for facilitating a bipartisan process to improve No Child Left Behind, and I yield back the balance of my time.

Chairman MILLER. Thank you very much. I want to introduce the first panel. Most of the first panel is very well known to the members of the committee, and their bios are available for the members of the committee.

However, Ms. Brown and Mr. Stark are not that well known to us. And let me just, if I might, say that Germaine Brown is a fifth grade teacher at Stewart Street Elementary School in Gadsden County, Florida. In addition to her own classroom, she serves as a mentor teacher providing professional support in coaching for teachers in grades three, four and five. Barry Stark is a principal of Norris Middle School in Firth, NE, and President of the National Association of Secondary School Principals. Jack Jennings is very well known to this committee and to all of us involved in education. He is the president of the Center on Educational Policy. Linda Darling-Hammond is a Professor of Education at Stanford University and has a long, long involvement in the improvement of teaching in this country. John Podesta is the President/Chief Executive Officer of the Center of American Progress, which has undertaken a specific program in an effort on No Child Left Behind. Andrea Messina is a commissioner of the Aspen Institute Commission on No Child Left Behind, which does extensive work on the improvements and changes in the act. And Kevin Carey is a researcher and policy manager for the Education Sector, which again has been very much involved with this committee.

Ms. Brown, we are going to begin with you. I hope you can see them, there are three sets of lights. They will begin with the green light. And then after about 4 minutes, it will go to a yellow light, which means you have about 1 minute, and then a red light when we would like you to finish. However, we want you to complete

your thoughts. Don't get nervous about the lights, but we have a long day, and it gives us some opportunity to keep order. Something you struggle with all the time. So welcome to the committee and thank you so much for taking your time.

STATEMENT OF GERMAINE BROWN, TEACHER, STEWART STREET ELEMENTARY SCHOOL

Ms. BROWN. Good morning. And thank you for inviting me to testify today on the teacher quality issues in the No Child Left Behind reauthorization bill. My name is Germaine Brown, and I am a fifth grade teacher and a mentor teacher at Stewart Street Elementary in Gadsden County Florida.

I understand that the draft being considered by the committee includes new funding for teachers for pay performance and career ladder programs for teachers. I am part of such a program. This program, the Teacher Advancement Program, has helped to develop highly skilled teachers in high-need schools. The TAP program has supported our school from moving to new achievement levels. It has resulted in us moving from an F to a B within 2 years.

My district is a very high need district. I teach at an elementary school, Stewart Street, that has a 90 percent rate of students who receive free and reduced lunch. Even with two major universities close to our district, Florida State University and Florida A & M University, it is extremely difficult to get these teachers, new teachers, to come to our schools to teach our high-need students. They choose to teach elsewhere.

Another obstacle is recruiting highly qualified teachers who seek competitive pay and teacher salaries. In 2005, I was approached by my administration at Stewart Street about a new innovative program to be implemented. That same year, Stewart Street had become a double F, a double F by the Department of Education, having received two Fs within 5 years. To dramatically improve or increase student achievement, the superintendent of schools, Mr. Reginald James, decided to pilot a program called the Teacher Advancement Program. It was a program that had already been making progress in other high-need schools, and it had the elements that Stewart Street had been lacking. For one, it included strong professional development. It helped those new teachers become effective teachers, and it helped those veteran teachers become exceptional teachers.

It also used student data to drive daily instruction. It has a standards-based evaluation system that is fair and helps identify the areas of improvement for our teachers. There is also a career ladder that provides opportunities for advancement and additional compensation for teachers. Last but not least, a performance-based system to award success that is measured by a combination of student achievement gains of individual teachers, gains by the school as a whole and the overall performance of classroom teachers.

Personally, the TAP program has provided me with an exciting career opportunity for me as a mentor teacher with the responsibility of providing professional development and support to career teachers. The position came with more responsibility, new challenges and more compensation. An important aspect of my selec-

tion as a mentor teacher was my own student achievement scores consistently from previous years. TAP has provided me with the intensive training and support in developing my skills and leading career teachers; identifying and field testing those effective instructional strategies; and creating a strong learning environment community at my school.

School was out for the summer break of 2005 and 2006 when our school scores were released. Stewart Street was no longer an F. We were not even a D. We had moved two letter grades to a C. And at the end of this past year, we earned a B, and we made adequate yearly progress. The results show that Gadsden County school students are just as bright as those in any high performance school. It doesn't matter what home environment our students come from. As teachers, as soon as they step into our classrooms, it is our job to nurture and instill in them the belief that they too can succeed.

My experience as a teacher with the Teacher Advancement Program has taught me the power of excellent teaching and what can happen when time and resources are focused on improving the schools of teachers so that our students reap the benefits. It has also taught me that teachers deserve to be compensated for their successes for taking on the hardest jobs. I hope that this committee will provide funding for programs, more programs like the Teacher Advancement Program, to allow more schools in more districts to reform their compensation systems for teachers. Thank you.

[The statement of Ms. Brown follows:]

Prepared Statement of Germaine Brown, Fifth Grade Teacher and Mentor Teacher

Summary

Thank you for inviting me to testify today on teacher quality issues in the draft NCLB reauthorization bill. My name is Germaine Brown, and I work as a math, reading and writing teacher at Stewart Street Elementary School in Gadsden County Florida.

I understand that the draft bill being considered by the Committee includes new funding for performance pay and career ladder programs for teachers. I am a part of such a program in a high need elementary school. In my experience, this program, the Teacher Advancement Program or "TAP", helps to develop highly skilled teachers in high need schools. In our case, this program supported us in moving students at Stewart Street Elementary to new levels of achievement, and resulted in the school moving from a rating of an "F" to a "B" on the state rating system in two years.

I want to thank you for responding to the successes that performance pay and career ladder programs have demonstrated in high need schools by including funding for these important initiatives in the NCLB bill.

Discussion

Our district is a very high need district. Stewart Street Elementary has 90% percent of students receiving free and reduced lunch. There are two major universities close to our district in Tallahassee (Florida State University and Florida A & M University). They have a college of teacher education, but it has traditionally been extremely difficult for us to recruit new teachers from this program to come teach in Gadsden County. Potential teachers look at the high needs of our students and choose to teach elsewhere. In addition, it is difficult to recruit new and highly qualified teachers who seek a competitive teacher salary.

I taught at my alma mater, Stewart Street Elementary in Gadsden County, Florida, for eight years from 1996 to 2004. I became burned out by the environment and was ready for a new, stimulating experience. I then sought employment at a higher performing school in the same district. I had a successful year at this high performing school. In the same year Stewart Street had just become a "double F" school by the Florida Department of Education, having received two "F's" within five years.

It was a discouraging place to work. After one year, even with the success I had at the new school, my heart was still at Stewart Street.

I was approached by the administration at Stewart Street and was given information on a new innovative program to be implemented at Stewart Street. To dramatically improve student achievement, the Superintendent of Schools, Mr. Reginald James decided in 2005 to pilot the Teacher Advancement Program (TAP), which had been making meaningful progress in some high need Florida schools. TAP provided exactly the elements that had been lacking at Stewart Street:

• a strong professional development program to help new teachers become effective teachers, and veteran teachers to become exceptional teachers, including support in using student data to drive instruction

• a standards-based evaluation system that helped to identify areas for teacher skill improvement

• a career ladder that provided opportunity for advancement and additional compensation, as well as providing the staff to provide with school-based professional support

• and a performance pay bonus system to reward success as measured by: 1. value added student achievement gains of individual teachers, 2. value added gains by the school as a whole, and 3. classroom performance by teachers

TAP's comprehensive approach to education reform focused and supported the faculty in their pursuit of student learning gains.

In addition, TAP provided an exciting career opportunity for me, as Stewart Street was recruiting me to return as a Mentor teacher, with responsibility for providing professional development and coaching support to career teachers in the school. This new position came with more responsibility, new challenges, and more compensation. An important aspect of my selection as Mentor teacher was my own student achievement scores. But equally important was my ability and enthusiasm in working with other adults at the school. TAP provided me with intensive training and support in developing my skills in leading career teachers, in identifying and field testing effective teaching strategies, and creating a strong learning community at the school.

The key to effective teaching is more than just knowing best practices. It's learning how to apply these practices in the classroom. TAP helped me and the teachers that I coach because it provides a structure not just outlining how to teach, but how to teach effectively, and how to measure if your teaching is really having an impact with students.

Let me give you a quick description of why this comprehensive program has been a success at Stewart Street.

At the beginning of each school year, school leaders analyze state test data and identify students' greatest areas of need. Each week at Stewart Street, core-subject teachers and specialists collaborate in "cluster group" meetings targeting individual student needs with proven instructional strategies. Teachers share effective best practices with others, and mentor teachers model exemplary teaching behaviors, for example by team teaching with a teacher in their classroom. As a result, students benefit from the connectivity of these strategies across the content areas.

For the (2006-2007) school year, Stewart Street's leadership team, including mentor and lead teachers and the principal, identified math as the students' greatest area of need, particularly solving word problems. I devoted time in my weekly professional development meeting with teachers to helping them learn new problem-solving strategies, and how to teach them to their students. For example, some of our strategies were focused on helping students identify what each problem was asking them to do—something that many struggled with. Not only did students apply these comprehension strategies to math, but they also transferred them to reading.

School was out when our 2005-06 results were released, but that didn't stop teachers from calling each other to celebrate the news: Stewart Street was no longer an "F" school on the Florida state rating system. We weren't even a "D" school. After just one year of TAP, we had jumped two letter grades to a "C." At the end of this past school year, we earned a "B" grade and made Academic Yearly Progress (AYP).

The results show that Gadsden County students are just as bright as those in any high-performing school. It doesn't matter where our kids come from; it may be from homes with no running water, families of domestic violence, poorly structured households or households with no structure at all. But when they get here, it's our job to nurture them and instill in them the belief that they can succeed. The TAP program has helped us to do that, and it has rewarded us for our success.

This experience has taught me the power of excellent teaching, and what can happen when time and resources are focused on improving the skills of teachers in a

school. It has also taught me that teachers deserve to be compensated for their success, and for taking on the hardest jobs. I hope that this committee will provide funding for programs to allow more schools and districts to reform their compensation systems for teachers. These reforms should support additional pay for taking on new roles and responsibilities such as that of a Mentor teacher, as well as rewarding teachers for their own skill development and the academic achievement gains of their students and their school. I am happy to answer any questions you have.

Chairman MILLER. Thank you very much.

Mr. Stark.

STATEMENT OF BARRY STARK, PRINCIPAL, NORRIS MIDDLE SCHOOL, AND PRESIDENT, NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

Mr. STARK. Chairman Miller, Ranking Member McKeon and members of the committee, thank you for allowing us the opportunity to share our recommendations concerning the reauthorization of the No Child Left Behind Act. My name is Barry Stark. I am the principal of Norris Middle School in Firth, Nebraska. And I serve as the President of the National Association of Secondary School Principals. Our mission is to promote excellence in middle level and high school leadership. My comments today are based upon feedback from our NCLB task force and our members, school leaders across the Nation.

While we still have concerns with some aspects of the discussion draft, we would like to focus on a few areas we feel deserve your support. NASSP is pleased that the committee is considering additional flexibility through the use of growth models, multiple measures of student performance and additional time for students to graduate from high school if needed. NCLB has placed principals at the center of all school reform efforts. And today's school leaders are expected to be skilled in instructional leadership, organizational development, community relations and change management.

As the ones held ultimately responsible for student achievement, principals and assistant principals require continuous professional development personalized to meet their individual needs. NASSP is extremely supportive of the major overhaul made to Title II and the discussion draft, as it includes much needed mandatory professional development for school leaders. We have long advocated for induction and peer mentoring programs for principals that emphasize school leadership practices, and we are very pleased to see their inclusion in the draft. NASSP would also like to see Congress endorse a voluntary national advanced certification for successful experienced principals similar to the National Board For Professional Teaching Standard Certification currently in place for teachers.

NASSP would like to thank the committee for authorizing and expanding the striving readers program for students in grades 4 through 12. This vital program will help ensure that 6 to 8 million students reading below grade level receive the literacy interventions they need to earn a high school diploma. Congressman Yaruth and Congressman Platts have been true leaders in adolescent literacy, and we thank them for their hard work in this area. NASSP is a national leader in high school reform and, in 2004, cre-

ated a framework for improving our Nation's high schools called, "Breaking Ranks II: Strategies For Leading High School Reform."

Implementing the proven strategies for successful high school reform, deep systemic intervention that improves both individual student and school wide performance requires significant resources. This is why NASSP is so pleased that the discussion draft authorizes the Graduation Promises Fund to assist low-performing high schools in implementing comprehensive school wide improvement plans.

However, as a middle level principal, I would be remiss if I didn't remark on the missing M in ESEA. Elementary and secondary schools are mentioned throughout the discussion draft, but there are exactly 15 references to middle schools in the entire bill. NASSP is an original member of the Middle Grades Coalition on NCLB, and I would like to speak to you on their behalf. We are seriously concerned that the draft proposal has not addressed the urgent need to turn around low-performing middle schools. The future success of NCLB rests largely on the shoulders of middle level leaders and teachers. Students in grades 5 through 8 represent 57 percent of the Nation's annual test takers, but middle level schools are not receiving adequate Federal funding and support. Therefore, I strongly urge the committee to support the Success in the Middle Act which Congressman Grijalva plans to offer as an amendment during the committee markup.

Under this bill, school districts would adopt proven intervention strategies, including professional development and coaching for school leaders and teachers, and student support, such as personal academic plans, mentoring and intensive reading and math interventions. Adopting this amendment hand in hand with the Graduation Promise Fund would strengthen NCLB by providing the support necessary to turn around our Nation's lowest performing middle and high schools and give our struggling students the help they need from preschool through graduation.

NASSP believes the draft moves NCLB in a positive direction, and school leaders are optimistic for its reauthorization. But our optimism has too often been dampened in the past when Federal budget proposals reflect education as so low a priority. These new provisions would be impossible to implement without full funding. We, therefore, strongly urge you to commit to your Nation's schools in budget as much as in law and ensure that the necessary level of funding is appropriated.

Mr. Chairman, this concludes my prepared testimony, but I would be happy to answer any questions you or the other committee members may have. Thank you for this opportunity.

[The statement of Mr. Stark follows:]

Prepared Statement of Barry Stark, President, National Association of Secondary School Principals

Chairman Miller, Ranking Member McKeon, and members of the committee, thank you for allowing us the opportunity to share our recommendations concerning the reauthorization of the Elementary and Secondary Education Act, the latest version of which is known as the No Child Left Behind Act. My name is Barry Stark, and I am the principal of Norris Middle School in Firth, Nebraska, where I have served for 10 years. Today, I am appearing on behalf of the National Association of Secondary School Principals, where I serve as president. In existence since 1916, 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. Our mission is to promote excellence in middle level and high school leadership.

No Child Left Behind Act (NCLB)

The era of reform ushered in by NCLB requires administrators to excel as instructional leaders working collaboratively with a variety of constituent groups. It is no longer sufficient to deplore the achievement gap; school leaders must be able to make decisions to improve teaching and learning for all students or face corrective action if their schools fail to meet mandated accountability measures. Closing the achievement gap 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.

Yet, while embracing the intention of the law, NASSP members have expressed concerns about the consistency, flexibility, and fairness 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. In October 2004, NASSP formed a 12-member task force made up of principals and post-secondary educators to study the effects of NCLB on school leaders in the nation's diverse education structure. The recommendations released by our task force in June 2005 addressed the disconnect that exists between policy created in Washington, DC, and the realities that affect teaching and learning in the school building. NASSP strongly believes that these recommendations reflect a real-world, commonsense perspective that will help to bridge that gap and clear some of the obstacles that impede principals and teachers as they work together to improve student achievement and overall school quality and close the achievement gap.

Growth Models

NASSP is pleased to see many of these recommendations in the discussion draft released by the House Education and Labor Committee last week. Specifically, we agree that states should 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.

Using a single score to measure whether a student is making progress ignores many issues, primarily the academic growth of the individual student. Yet the current law requires that schools focus on grade-level growth as opposed to individual student growth by requiring schools and districts to compare performance for different groups of students each year. For example, under NCLB schools must measure growth of this year's seventh-grade students against the scores of the past year's seventh-grade students. Such systems do not take into account differences in the groups of students and do not tell us whether our instruction has resulted in individual student growth.

In addition, focusing on a cut score may encourage a school to concentrate only on students who are close to meeting that goal and not on the education 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 data about whether the instructional needs of every student are being met. NASSP thanks the committee for granting this additional flexibility.

Multiple Assessments

NASSP is pleased that the discussion draft allows states to use multiple measures of student performance in determining AYP, including state assessments in subjects beyond reading and language arts, mathematics, and science; end-of-course exams in a rigorous high school curriculum; and college enrollment rates. Student assessment on a regular, consistent basis allows schools to analyze what students have or have not learned. And teachers can then develop effective strategies that address individual students' academic weaknesses and to build upon student strengths diagnosed by the assessments.

To view standardized test results as a measurement of a school's success or failure, as the law currently does, misses the broader point. The purpose of assessment should be to inform instruction and improve learning. Assessments that produce diagnostic data, and not just a "score," give educators a direction for increasing student success—individually, student by student. 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 all our students will achieve, and our schools will have truly passed the test.

Graduation Rates

The discussion draft requires high schools to be accountable for improving their graduation rates, a goal which NASSP supports. We are pleased that the committee is supporting a five-year provision for graduation rates and allowing students with the most severe cognitive disabilities to be counted as graduates if they have received an alternate diploma as defined by the Individuals with Disabilities Education Act (IDEA). Current law requires states to graduate students within the "regular" time, which most often has been determined to mean within four years, though 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 IDEA. In fact, we should be moving in the opposite direction, allowing students additional time to graduate if they require it without penalizing the school, or less time if they have reached proficiency.

Student performance should be measured by mastery of subject competency rather than by seat time. States that have implemented end-of-course assessments are on the right track and should be encouraged to continue these efforts. And NCLB should reward students who graduate in fewer than four years—which could encourage excellence—rather than simply acknowledge minimum proficiency, and the recognition of high-performing students could help schools that are nearing the target of 100% proficiency.

Ultimately, individualized and personalized instruction for each student must 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 Level Reform.

Title II

With an emphasis on school-level outcomes and student achievement, NCLB places the school leader at the center of all school reform efforts. Today's principals are expected to be visionary leaders, instructional experts, building managers, assessment specialists, disciplinarians, community builders, and more; they are also the ones ultimately held responsible for student achievement. The Southeast Center for Teaching Quality finds that high-quality leadership was the single greatest predictor of whether or not a high school made AYP—more than either school size or teacher retention. Yet, until recently, Congress has ignored the vital role of the principal in influencing student success.

If principals and assistant principals are to meet the growing, ever-changing expectations of this demanding position, they require continual professional development personalized to meet their individual needs. This is true for all school leaders, regardless of their initial preparation or their length of service. Today's educational environment of standards-based education and high accountability demand that principals are knowledgeable and skilled in instructional leadership, organizational development, community relations, and change management. Ongoing, job-embedded professional development is the key to developing this capacity in all school leaders

NASSP is extremely supportive of the major overhaul made to Title II in the discussion draft, as it includes much-needed mandatory professional development and other supports that would increase the capacity of principals to effectively use data to improve teaching and learning, to lead schools with high numbers of diverse learners such as students with disabilities or English language learners, to implement schoolwide literacy initiatives, and to better prepare all students to meet challenging content standards. We have long advocated for induction and peer mentoring programs for principals that emphasize school leadership practices, and we are very pleased to see their inclusion in the draft. A recent study by the Stanford Educational Leadership Institute found that principals who participated in ongoing leadership development programs during their careers are significantly better prepared for virtually every aspect of principal practice; have more positive attitudes about the principalship; and are more likely to plan to stay in the job, spend more time on instructionally focused work, participate in a broader range of learning opportunities, and make developing and supporting their teachers a priority.

NASSP is an active participant is an effort to revise the Interstate School Leaders Licensure Consortium (ISLLC) standards, which are used to guide principal certification or performance appraisal policies in more than 40 states. The important role of the ISLLC standards in shaping state licensure and evaluation policies makes their regular revision essential to ensure that they accurately reflect the current de-

mands of school leaders. Likewise, licensure requirements across the states must be designed to attract high-quality candidates to leadership positions. For the past 10 years, NASSP has worked with a national accreditation agency to review university and college preparation programs in education leadership promoting alignment of programs to standards, development of rigorous assessments, and problem-based learning activities in the field. NASSP commends the committee for addressing this issue in the discussion draft. The Partnership Grants for Principals and School Leaders would improve the rigor of current state school leader standards and licensure processes and ensure that they incorporate instructional leadership standards.

NASSP would like to see Congress endorse a voluntary national advanced certification for successful experienced principals similar to the National Board for Professional Teaching Standards certification currently in place for teachers. Under such certification, highly effective principals would be recognized and rewarded for advancing student learning and closing achievement gaps; using data effectively in decision making; creating a safe and sound environment for student and teacher learning; working productively with parents and community members; growing teacher capacity and creating a healthy professional community that capitalizes on the strengths of the strongest teachers and nurtures novice teachers; allocating resources efficiently; demonstrating knowledge about school management, curriculum, teaching and assessment; and modeling continual professional growth by engaging in planned development activities.

Striving Readers

NASSP would like to thank the committee for authorizing and expanding the Striving Readers program for students in grades 4—12. This vital program will help ensure that the 6—8 million students reading below grade level receive the literacy interventions they need to earn a high school diploma.

Nationwide, 29% of eighth-grade students read "below basic" on the National Assessment of Educational Progress. These students, who are in the bottom quarter of achievement, are 20 times more likely to drop out than students at the top. That should come as no surprise. Low literacy prevents students from succeeding in high school in all subjects. And the National Center for Education Statistics found that 53% of undergraduates require a remedial reading or writing course. In addition, the National Association of Manufacturers reported that businesses spend more than $60 billion each year on remedial reading, writing, and mathematics for new employees.

Striving Readers is a formula grant program for states based on poverty levels according to the U.S. Census. States would develop statewide literacy plans, and districts applying for the grants would use funds to create schoolwide adolescent literacy plans that met the needs of all students, including students with special needs and English language learners; provide professional development for teachers in core academic subjects; train school leaders to administer adolescent literacy plans; and collect, analyze, and report literacy data.

The goals of Striving Readers are very much in line with Creating a Culture of Literacy: a Guide for Middle and High School Principals, which NASSP released in 2005. This guide was written for principals to use as they team with staff members to improve their students' literacy skills by assessing student strengths and weaknesses, identifying professional development needs, employing effective literacy strategies across all content areas, and establishing intervention programs.

Congressman John Yarmuth (D-KY) and Congressman Todd Platts (R-PA) have been true leaders in adolescent literacy, and NASSP would like to thank them for their hard work in ensuring that the Striving Readers program has a permanent place in the Elementary and Secondary Education Act.

Graduation Promise Fund

NASSP is a national leader in high school reform and in 2004, created a framework upon which to improve our nation's high schools called Breaking Ranks II: Strategies for Leading High School Reform. The handbook offers successful research-based practices, real-life examples of high schools at various stages of reform, a step-by-step approach to lead change, obstacles to avoid, and resources from which to draw. NASSP offers Breaking Ranks for all high school principals, regardless of school size, geographical location, or where they are in the school improvement process.

High schools have historically been the forgotten stepchild of school reform efforts and, for far too long, have not received an adequate share of funding and other resources from the federal government. But successful high school reform requires real strategies and significant resources for implementing systemic improvement and raising individual student and schoolwide performance levels. This is why

NASSP is so pleased that the discussion draft authorizes the Graduation Promise Fund to assist low-performing high schools in implementing the comprehensive schoolwide improvement plans required under Sec. 1116. The school improvement and assistance measures outlined in this section mirror many of the strategies NASSP promotes. They include ongoing, high-quality professional development for school leaders; schoolwide literacy and mathematics plans; programs to increase academic rigor; extended learning time; and practices that serve to personalize the school experience such as smaller learning communities and professional collaboration among principals, teachers, and other school staff.

As a middle level principal, I would be remiss if I didn't remark on the missing "M" in ESEA. Elementary schools and secondary schools are mentioned throughout the discussion draft, but there are exactly 15 references to middle schools or middle grades in the more than 1,000 pages of this bill. Although "secondary schools," by definition, includes middle level schools, the draft tends to use "secondary school" interchangeably with "high school," which is confusing for middle level educators as well as states interpreting federal law. NASSP respectfully requests that the committee clarify in all sections of the bill whether the term "secondary school" includes grades 5—8.

NASSP is an original member of the Middle Grades Coalition on NCLB, and I would like to speak to you on their behalf. In the formal comments submitted by the coalition last week, we expressed our support for the goals set forth in the Graduation Promise Fund as they pertain to low-performing high schools. However, we are seriously concerned that the draft proposal has not addressed the urgent need to turn around low-performing middle schools.

The draft requires school districts to identify those students in the middle grades who are at high risk of dropping out of high school and to provide intensive supports for these students, but this really doesn't go far enough to address the more than 2,000 middle level schools that feed into the nation's "dropout factories"—those high schools graduating fewer than 60% of their students. High school reform will never succeed in a vacuum, and many of these middle level schools are in need of the same comprehensive whole-school reform that is offered to high schools under the Graduation Promise Fund.

The future success of NCLB rests largely on the shoulders of middle level leaders, teachers, and students. Students in grades 5 through 8 represent 57% (14 million) of the nation's annual NCLB test takers, but middle level schools are not receiving adequate federal funding and support to help these students succeed. We recognize that the majority of districts choose to funnel their Title I funds into early childhood and elementary programs, and while we fully support continuing the drive to help students succeed in these grades, the needs of struggling students in our lowest-performing middle schools must not be ignored. If Title I funds were distributed on the basis of student populations, middle level schools (representing 23% of the nation's student population) would receive approximately $2.92 billion of the current Title I allocation. Yet, of the $12.7 billion appropriated in FY 2005 for Title I, only 10% is allocated to middle schools.

Therefore, I strongly urge the committee to support the Success in the Middle Act (H.R. 3406), which Congressman Raλl Grijalva (D-AZ) plans to offer as an amendment during the committee markup. Under the bill, states are required to implement a middle school improvement plan that that describes what students are required to know and do to successfully complete the middle grades and make the transition to succeed in an academically rigorous high school. School districts would receive grants to help them invest in proven intervention strategies, including professional development and coaching for school leaders, teachers, and other school personnel; and student supports such as personal academic plans, mentoring, intensive reading and math interventions, and extended learning time.

NASSP and the Middle Grades Coalition on NCLB believe the comprehensive middle level policy articulated in H.R. 3406 is necessary to address the realities that only 11% of eighth-grade students are on track to succeed in first-year college English, algebra, biology and social science courses (ACT, 2007), fewer than one-third can read and write proficiently, and only 30% perform at the proficient level in math (NAEP, 2005). Adopting the Success in the Middle Act as an amendment to the committee bill hand-in-hand with the Graduation Promise Fund would strengthen NCLB by providing the support necessary to turn around our nation's lowest-performing middle and high schools and give our struggling students the help they need from preschool through graduation.

NASSP believes the draft moves NCLB in a positive direction, and school leaders are optimistic for its reauthorization. But our optimism has too often been dampened in the past when federal budget proposals reflect education as so low a priority. Experience teaches us these new provisions will be impossible to implement

without full funding. We therefore strongly urge you to commit to your nation's schools in budget as much as in law and ensure that the necessary level of funding is appropriated.

Mr. Chairman, this concludes my prepared testimony, but I would be happy to answer any questions you or the other committee members may have.

Thank you again for this opportunity.

Chairman MILLER. Thank you Mr. Stark.

Mr. Jennings, Jack welcome back to the committee as always.

STATEMENT OF JACK JENNINGS, PRESIDENT, CENTER ON EDUCATION POLICY

Mr. JENNINGS. Thank you very much, Mr. Miller.

Let me begin by commending the entire leadership of the committee for having such an open process in this reauthorization. Having been involved in a few in the past, I can say that this is a very open process, and you are going to have better legislation as a result. It is also very commendable you are doing this in a bipartisan manner because, over time, you will have a better bill if you have a bipartisan bill, at least in education; maybe not in other areas, but at least in education.

In June, I appeared before Mr. Castle's subcommittee talking about student achievement. But today my testimony is different. This is going to deal with the implementation of No Child Left Behind. The Center on Education Policy has conducted a 5-year study of No Child Left Behind, which involves surveys of State officials, surveys of national samples of school districts, case studies of school districts, case studies of individual schools. And I would like to give you some indication of what educators are saying about the implementation of No Child Left Behind. I realize that this is just one point of view, but it is a very important point of view because these are the people you expect to carry out the law.

In general, what your bill does is address many of the concerns that have been raised by educators. And let me go through a few, but give you some suggestions for additions. Now, attached to the testimony are detailed suggestions, so I won't get into all of those. But let me start with growth models. Growth models are clearly something that educators very much want. But if you retain the goal of everybody being proficient by 2014, you are going to frustrate the use of growth models. Because you are going to have about the same number of schools identified as you would any other way. And so we urge you to consider gearing the goal towards high-achieving school districts within a State, which is an alternative goal, but it is a realizable goal, and it would result in a fairer system with use of growth modes. With English language learners and children with disabilities, again you have identified the problem; you have incorporated the number of things that are good solutions to the problem, but we urge you to think a little bit more broadly on that, too.

With children who are learning English, we urge you to think about putting together the testing of English proficiency with the testing of content knowledge and graduating the results depending on the level of proficiency.

With children with disabilities, we urge you to think about more deference to the Individual Educational Plan. This is the key in the

education of the disabled children, and it should be considered when you are judging what kind of testing should be entailed with children with disabilities.

With school improvement, you have again identified the problem. You move towards a graduated system of dealing with schools and school improvement. But I urge you to think about several additions to that system. One would be that you should only identify a school as a need of improvement if the same group of students for 2 years in a row in the same subject matter does not do well. That way, you will have a much more focused system of school improvement geared towards schools that show more consistent problems. I also urge you to think about continuing aid to schools that graduate from program improvement. Right now, what happens is schools get all sorts of aid to get off the list. Then, as soon as they get to their right level of achievement, they lose that aid. And the fear, and I think we are going to document this in a report pretty soon, is that many of those schools fall back again on the list because they haven't been able to institutionalize the changes. So I hope you consider that.

So, in general, your bill addresses many of the problems identified by educators. And of course, people can differ on the solutions to these problems. But your bill should certainly move through the legislative process and be refined in the legislative process. If you don't move, what is going to happen is that many of the problems we have identified and others have identified won't be addressed for a year to 3 years because of the Presidential election and the way that Congress does business. And so it is very important that you continue on track and that you move your bill as soon as you can to address these problems.

Let me conclude with a general concern expressed by many educators in all our surveys and interviews and case studies. And this is a concern that No Child Left Behind is fostering a narrow view of education. Basically, it is a test-driven accountability system to raise the bottom. And educators think, if this is the vision of education that the country has, it is a very narrow vision. Tests can do many things, but tests have limitations. And just raising the bottom frequently means what happens is that educators just raise the bubble children, the children just below the test level and get them over the test level and don't address the needs of all children. So I hope that there is some way—I know you have moved to a degree in this draft, but I hope in some way you can encourage a much broader look at education, a much more thorough and deeper look at education so that we can truly have a national vision of education for the country that helps all children to improve to some world cast level. I hope you find some way in the bill to encourage that for the next reauthorization, but also to help guide State legislatures and local school districts as they go about improving education. Thank you.

[The statement of Mr. Jennings follows:]

Prepared Statement of Jack Jennings, President, Center on Education Policy

Since 2002, the Center on Education Policy has been conducting a comprehensive study of the implementation and effects of the No Child Left Behind Act. Our recommendations for proposed amendments to the Elementary and Secondary Edu-

cation Act are based on that research and are appended to this testimony, and I respectfully ask you to review them. Today, I will limit my remarks to the process used by the committee and to the key features of the draft legislation.

Chairmen Miller and Kildee and Ranking Members McKeon and Castle, you are to be commended for having such an open process for considering these amendments. Through your earlier hearings, discussions of proposed amendments, Web-based distribution of draft legislative language, effort to be bipartisan, and now these hearings, you have shown a commendable openness to criticisms and willingness to hear a variety of proposed solutions.

Your draft legislation represents a good start in addressing the major problems in the current law, and refinements in the legislative process could bring about further improvement. For my remaining time, I will comment briefly on the key features of your proposal, and mention some of the changes we would recommend.

Multiple Indicators

In our state and school district surveys, case study interviews, and other research, state leaders and local educators have often criticized the narrowness of the accountability measures now required in NCLB, which rely so much on just reading and math test results. The proposed amendment to broaden these measures to include other objective measures of academic performance acknowledges that concern. CEP recommends also including measures other than those listed if they meet criteria established by the National Academy of Sciences and the National Academy of Education.

Growth Models

For years, educators have been calling for the use of growth models, and this feature is to be applauded. However, if your legislation keeps the goal of proficiency for all by 2014, using growth models will probably not make much difference in terms of identifying schools for improvement. CEP instead recommends linking the degree of growth expected of all districts and schools each year to the average rate of gain over two or three years in the districts or schools within a state that rank at the 75th percentile. For instance, if the top quarter of schools and districts that made gains on state tests had rates of improvement in the percentage of students achieving at the proficient or above levels that averaged 3% per year, then adequate yearly progress might be defined as a 3% increase for all schools and districts. That is a high goal, but within reach with sufficient effort.

English Language Learners and Students with Disabilities

Testing policies for English language learners and students with disabilities have been a matter of major controversy for years, with educators asking for more flexibility for both subgroups. The set of amendments for ELL students addresses many of the concerns raised in our surveys and interviews. As explained in our recommendations, however, we suggest that you consider giving greater weight to the results of English language proficiency tests and less to the results of academic content tests for students who have very limited proficiency in English, then adjusting these relative weights as these students gain English language proficiency.

For students with disabilities, the basic requirement should be to assess these students using the same tests as those given non-disabled students; however, the individualized education program (IEP) could modify this presumption by presenting clear evidence that a particular student should be permitted test accommodations, an alternate assessment based on modified achievement standards, or an alternate assessment based on alternative achievement standards. There should be no percentage limitations on how many students can be assessed in these different ways.

School Improvement

Our research has repeatedly identified problems with requiring the same treatment for schools in which one subgroup falls short of adequate yearly progress as for schools in which many subgroups fall short. The draft addresses that concern by creating a graduated system of aid for schools depending on the degree of problems. An assurance that significant action must be taken even in a school with only one subgroup not achieving adequately would ensure that the noble goal of NCLB of requiring that all lagging students be helped would not be lost. A further recommendation is that schools be identified for improvement only when the same subgroup of students does not meet the state AYP target in the same subject for two or more consecutive years.

Another recommendation from CEP related to school improvement involves supplemental educational service providers. In our surveys, school district officials expressed concern that the tutoring services provided through NCLB are not always effective in raising student achievement. Outside providers of supplemental services

should be held accountable just as school districts are—namely by requiring them to show improvement in test scores in two years or be barred from providing services.

A further recommendation concerns schools that improve achievement enough to exit school improvement status. When schools improve sufficiently, they lose the extra financial assistance and other aid that helped them to do better. We urge you to continue this assistance in these schools for three years after they improve, so they can institutionalize the practices that helped them.

Conclusion

The draft bill addresses many of the major concerns raised by educators and state officials in our five years of research. Of course, people who care about schools and children will disagree about particular solutions to those problems. But the committee has made a good start, and the bill should move through the legislative process. If there is no legislation, then the current law would apply for one or two more years, and the problems identified by our research and that of others will not be addressed.

Let me finish by raising a general concern expressed repeatedly by educators in our surveys and interviews. The No Child Left Behind Act seeks to raise achievement for low-performing students through a test-driven accountability system. Certainly, it is important to use standardized measures of achievement, but tests are imperfect instruments with limitations in what they can measure well. Educators express frustration that this test-based system is leading to a narrow vision of education and hope that our nation could pursue a more comprehensive vision of how to make American education the best in the world.

Could we establish a national commission or use some another means to think deeply about schooling and the best means to help all American students become well educated? I know that today's session is concentrated on particular legislative language, but can't we find a way to think more broadly and creatively so that future federal laws, state policies, and local actions can lead the way to a better educated citizenry?

Thank you for this invitation and opportunity to share what we have learned.

Recommendations From the Center on Education Policy

Since the No Child Left Behind Act (NCLB) was signed into law in 2002, the Center on Education Policy (CEP) has been monitoring the effects of this important national policy. For five years, we have surveyed the primary agents charged with carrying out the law in the states—chief state school officers or other officials of state education agencies. To examine the effects of NCLB at the local level, we have surveyed administrators in a national sample of school districts and conducted case studies of dozens of districts and schools over the last four years. We have also conducted additional research on particular aspects of NCLB, and most notably have analyzed test data from all 50 states to determine if scores on state tests have gone up since 2002.

This paper presents CEP's recommendations for changes to the Elementary and Secondary Education Act of 1965 (ESEA) as amended by NCLB. These recommendations grow out of the main findings of our research on the effects of NCLB.

Achievement

Since 2002, in most states with three or more years of comparable test data, student achievement in reading and math has gone up, and there is more evidence of achievement gaps between groups of students narrowing than of gaps widening. In addition, in 9 of 13 states with sufficient data to determine pre- and post-NCLB trends, average yearly gains in test scores were greater after NCLB took effect than before. However, it is very difficult, if not impossible, to determine the extent to which these trends in test results have occurred as a result of NCLB; this is because states, districts, and schools have simultaneously implemented many different but interconnected policies to raise achievement in the time period since NCLB was enacted.

Reauthorize the Elementary and Secondary Education Act. Raising the academic achievement of all students and eliminating the achievement gap for various groups of students must remain as national priorities. The ESEA should be reauthorized in a renewed effort to address these national goals.

Support efforts to identify effective strategies for narrowing the achievement gap. Although there is positive news about increases in the test scores of underachieving students, the magnitude of the gap is still substantial. The reauthorized ESEA should include a research and evaluation component to determine the most effective

ways of narrowing the achievement gap. Successful efforts should be replicated in schools and districts with persistently low-performing students.

Require states to provide easy public access to a deep array of assessment data. Currently, the public does not always have access to adequate data on state tests. In order to foster a more transparent accountability system, states should be required to post test data in an easy-to-find place on state Web sites; provide clear information and cautions about breaks in the comparability of test data caused by new tests or changes in testing systems; and report other important information to aid researchers in analyzing achievement trends, such as standard deviations and mean scale scores.

Testing and its Impact on Curriculum and Instruction

The NCLB requirement for states to test the reading and math skills of all students in grades 3 though 8 and once in high school is having a major influence on how education is being provided in schools across the country. Our district survey found that 62% of all school districts have increased instructional time in reading and math in elementary schools. In 44% of districts, this increase has meant that time for other subjects, such as social studies, science, art, and music, is reduced. Because the tests required for NCLB are the drivers of standards-based education reform, they must be of the highest quality and properly used in the education process.

Require states to arrange for an independent review, at least once every three years, of their standards and assessments to ensure that they are of high quality and rigor. Our research suggests that school districts are changing their curriculum to put more emphasis on the content and skills covered on the tests used for accountability. Therefore, states should be sure these tests are "good" tests by commissioning reviews of their standards and assessments by independent organizations and agencies. These reviews should also determine the extent to which the assessments are aligned with the state standards.

Stagger testing requirements to include tests in other academic subjects. Because what is tested is what is taught, students should be tested in math and English language arts in grades 3, 5, and 7 and once in high school, and in social studies and science in grades 4, 6, and 8 and once in high school. These tests should be used for accountability purposes.

Encourage states to give adequate emphasis to art and music. States should review their curriculum guidelines to ensure that they encourage adequate attention to and time for art and music, in addition to the subjects recommended for testing listed above. States should consider including measures of knowledge and skills in art and music among the multiple measures used for NCLB accountability.

Provide federal funds for research to determine the best ways to incorporate the teaching of reading and math skills into social studies and science. By integrating reading and math instruction into other core academic subjects, students will be more ensured of a rich, well-rounded curriculum. Funds provided under Title I and Title II of ESEA should be used to train teachers in using these techniques.

Accountability

The No Child Left Behind Act is identified in educators' minds as a means of enforcing accountability in public education. States, school districts, parents, and others would be more likely to accept this accountability if serious defects in the law were addressed in the ESEA reauthorization.

Allow states the option of using growth models to determine students' academic progress. The current method of measuring aggregate progress toward an annual state proficiency target is too crude a measure. A shift to a growth model system, which recognizes annual improvement in test scores of individual students, would be fairer to students and teachers. The degree of growth expected of all districts and schools each year could be linked to the average rate of gain in the districts or schools within a state that rank at the 75th percentile over two or three years, instead of a goal of 100% proficiency for all students by 2014.

Allow states to use multiple measures of student achievement in determining adequate yearly progress. These measures should be weighted and should be limited to objective measures of academic achievement, including student performance on state tests in subjects other than math and English language arts. The National Academy of Sciences and National Academy of Education chould be charged with developing options for the criteria to be used in federal regulations to determine these objective measures.

Allow the individual education program (IEP) of a student with a disability to determine how he or she should be tested, and convene a national task force to develop criteria to help guide IEP teams in making these decisions. The reauthorized

ESEA should continue the requirement that students with disabilities be assessed using the same tests as those taken by non-disabled students, but the Act should be amended to allow the IEP for each student to modify this presumption by presenting clear evidence that a student should be afforded accommodations, an alternate assessment based on modified achievement standards, or an alternate assessment based on alternate achievement standards. The reauthorized ESEA should establish a national task force to develop criteria to assist IEP teams in making appropriate and consistent decisions about assessments for students with disabilities. There should be no percentage limitations on how many students can be assessed in these different ways. The results from the IEP-recommended assessment would be used to determine student progress for purposes of determining AYP.

Weigh the English language proficiency and academic content assessment results for students learning English.

NCLB requires states to test the language proficiency skills and academic content knowledge of students who are learning English. For accountability purposes, these two assessments should be twinned. More weight would be given to the language proficiency assessment when an English language learner enters the state's school system and is less proficient in English. As the student progresses through the education system and becomes more proficient in English, more weight would be given to the academic content assessment.

Designate schools "in need of improvement" only when the same subgroup of students does not meet the state AYP target in the same subject for two or more consecutive years. Currently, a school can be identified for improvement if one subgroup of students fails to make AYP in reading one year, and then a different subgroup of students fails to make AYP in math the following year. This change would identify only those schools where there is a consistent problem and would allow states and school districts to better target scarce resources and assistance on schools that really need help.

Allow public school choice as a school district option for improving student achievement in schools that have been identified for improvement. Our research indicates that the public school choice requirement has been used by only a small percentage of those who are eligible. In addition, we know of no major research study that has provided evidence that school choice raises student achievement. Districts should not be required to offer choice to students attending schools that have been identified for improvement, but can opt to do so.

Establish accountability requirements for the providers of supplemental educational services. In our surveys, school district officials expressed concern that the tutoring services provided through NCLB are not always effective in raising student achievement. To address this concern, providers of supplemental educational services should be held to the same type of accountability as public schools. If students served by a provider do not show improvement in state test scores after two years of services, then that provider should be allowed to provide services only for one more year. If there is still no increase in scores, then that provider should be barred from providing services through Title I.

Schools in Need of Improvement

Although nationally approximately 18% of all districts report having at least one school identified for improvement, greater proportions of urban districts (47%) report having such schools. This is due in large part to urban districts' concentrations of students of color and low-income children. A basic problem with NCLB is that it classifies schools equally as "in need of improvement" regardless of whether one grade or one subgroup of students is not making adequate yearly progress or many grades and many subgroups of students are missing AYP targets.

Evaluate school improvement strategies that show the greatest success in urban schools, and then provide assistance to urban schools to implement these strategies. States and the federal government should engage in a comprehensive evaluation of school improvement efforts to determine what works in urban settings and then foster the replication of these successful efforts.

Encourage a graduated approach of assistance to schools in improvement with an emphasis on schools with the greatest needs. Scarce federal and state resources should be targeted on schools that need assistance the most.

Allow schools that graduate from school improvement to continue to receive financial support and assistance for three years. Our research has pointed to the need for continued support for schools that improve achievement enough to leave NCLB's school improvement status. Often, these schools face challenges in maintaining achievement gains and other improvements when they lose the extra technical assistance and funding that came with being identified for improvement.

Encourage schools in NCLB's restructuring phase to engage in a variety of reform efforts. Our studies of NCLB school restructuring indicate that multiple strategies tailored to a school's needs are more effective in improving schools in restructuring than single strategies. The current federal list of options for schools in restructuring, therefore, should not be restricted. More specifically the option that allows "any other major restructuring of the school's governance that produces fundamental reform" should not be eliminated. Instead, states should assist districts in making good decisions about using multiple strategies to improve schools in restructuring.

State Departments of Education

The state agencies primarily charged with carrying out federal education policy are stymied by the lack of sufficient staffing and funding to carry out their duties, especially responsibilities related to assisting schools identified for improvement.

Establish a grant program for states to rethink the mission and organization of state education agencies to make them more effective leaders of school improvement. Each state's leadership—the governor, chief state school officer, and state board of education—should be eligible to receive an unrestricted grant allowing them to assess and rethink the role of state education agencies in improving elementary and secondary education.

Provide additional federal funding to state education agencies to enable them to effectively carry out NCLB.

Increased federal funds could be used to support such activities as improving low-performing schools, developing better assessments for students with disabilities and English language learners, and improving data systems.

Require the U.S. Department of Education (ED) to review and enhance its efforts to assist states in implementing federal programs. ED should review and refashion its application and reporting procedures, guidance, and regulations, and create a more assistive federal/state partnership.

Amend ESEA to help states assist schools more effectively by allowing differentiated levels of technical assistance based on the needs of an individual school. Resources and personnel could be better used if states can address the unique needs of a school instead of having to carry out a blanket set of actions for all schools in improvement.

Provide assistance to states to develop high-quality assessments for students with disabilities and English language learners. Although some states have made progress in developing alternative or native-language assessments to better measure the achievement of some students with disabilities and English language learners, states need funding and technical support to continue to refine assessments for these two subgroups.

Funding

For school years 2003-04 and 2004-05, we found that approximately 80% of districts have assumed costs to carry out NCLB for which they are not being reimbursed by the federal government. In 2006, over two-thirds of the states reported receiving inadequate federal funds to carry out their NCLB duties. In a federal system, whenever costs to carry out a national policy are imposed on another level of government, dissatisfaction arises.

Substantially increase funding for the Elementary and Secondary Education Act, especially Title I, Part A. Federal funding should grow to match the expansion of duties required of states and school districts since the enactment of the No Child Left Behind Act in 2002.

Provide money for school improvement activities from a separately authorized source of funding. Currently, funds for school improvement are primarily funded through a set-aside of funds from each state's total Title I, Part A allocation. Due to a "hold harmless" provision in the law, however, states are sometimes unable to set aside the full 4%. Funding school improvement through a separate authority would help to ensure that all states, even those with little or no increase in Title I, Part A funds, have funds for school improvement activities.

The U.S. Department of Education and the U.S. Census Bureau should thoroughly review the accuracy of the poverty estimates used to distribute Title I and other federal funds. Consideration should be given to other options, such as using the average of the two most recent Census estimates, to calculate LEA grants. The amounts of Title I-A general funding that some states and school districts receive have fluctuated from year to year due to annual updating of Census estimates of the number of children in poverty. Formulas used to distribute Title I-A funds are based on each state's relative share of low-income children. This year, because states' relative shares of the total number of low-income children have shifted, some

states will receive double-digit increases in Title I funding for school year 2007-08, while other states will lose substantial funds. These shifts in turn affect the amounts that school districts within a state receive.

Increase funding for the Reading First program. Despite the Inspector General's findings of misconduct among Reading First officials in the U.S. Department of Education and among those contracted by the Department to assist states in implementing the program, Reading First has value. For the past two years on our state and district surveys, most officials reported that Reading First was an important cause of increases in student achievement in reading.

Teacher Quality

Most school districts report that they are in compliance with the requirement for all of their teachers to be "highly qualified," although some districts are having problems meeting the requirement for certain types of teachers. Despite this general compliance, educators express skepticism that the highly qualified teacher requirements will make much difference in raising student achievement.

Encourage states to develop methods to measure teacher effectiveness. Grants and incentives should be provided to states to develop their own systems to measure and report on the demonstrated effectiveness of teachers. These measures could be incorporated into states' teacher certification and licensure systems for veteran teachers.

Refine the current federal definition of a highly qualified teacher to address the special circumstances of certain kinds of teachers. Our surveys show that districts are having difficulty ensuring that 100% of certain types of teachers, such as special education teachers, secondary school teachers of science and mathematics, and teachers in rural areas who teach multiple subjects are highly qualified. More flexibility should be built into ESEA regarding qualifications of these teachers.

Adopt a comprehensive approach to recruiting and retaining teachers in high-need schools. NCLB requires states to ensure that experienced, well-qualified teachers are distributed equitably among high-need and lower-need schools. This requirement should be supported through ESEA by a comprehensive approach, rather than a piecemeal assortment of small, narrowly focused programs. This approach could include financial incentives to recruit and retain highly qualified, experienced teachers who will make a long-term commitment to teach in high need schools; high-quality "residency" programs, similar to those used in medical training, developed specifically for new teachers and their mentors in high-need schools and for school leadership staff; and improved working conditions for teachers, such as lighter course loads for new teachers, increased planning and collaboration time, shared decision making, and up-to-date textbooks, technology, and facilities.

Provide federal assistance to states to develop and implement comprehensive data systems. To fully comply with the highly qualified teacher requirements, states need to strengthen their data systems. With more comprehensive data about teacher qualifications, student-teacher ratios, teacher time spent on preparation versus teaching, and mobility rates of teachers and administrators, states and school districts could better understand which conditions contribute to teacher and student success and what supports are needed to help teachers succeed.

More detailed information on our research findings and recommendations can be found in the individual reports we have issued on the implementation of NCLB and our study of student achievement since NCLB was enacted. All of these reports are posted on our Web site (*www.cep-dc.org*) and can be downloaded free of charge.

Chairman MILLER. Thank you very much for your remarks.

Next we will hear from Dr. Linda Darling-Hammond.

Welcome to the committee. Thank you for all your help in the past.

STATEMENT OF LINDA DARLING–HAMMOND, CHARLES E. DUCOMMUN PROFESSOR OF EDUCATION, STANFORD UNIVERSITY

Ms. DARLING-HAMMOND. Thank you very much. It is a pleasure to be here. Thanks to the committee for sharing this public draft. Many of us appreciate that openness and that opportunity to comment. There is much to talk about, but I am going to focus on only two things. The first is the provisions to encourage multiple measures of assessment and school progress, which I believe are essen-

tial to raise standards in the ways that Jack was just talking about and to make them internationally competitive. And the second is the provisions to improve the quality and distribution of the teaching force, which is also essential for our ability to reach the high goals that we have set. I also want to note that I think we do need a new means for charting school progress from year to year, one that better evaluates continuing progress, measures students all along the continuum in the ways that Mr. Jennings just talked about and that can be more understandable to the public. And in Appendix B of my testimony, I have proposed some ideas for such a system.

But I am going to shift now because I think it is important to just look at the big picture of developing an American education system that will maintain the U.S. as a first world power in the 21st Century, a status which we are at serious risk of losing. On page 2 of my testimony, you will see the most recent international rankings on assessments. The U.S. on international achievement tests ranks 19th out of 40 countries in reading; 20th in science and 28th in math, right on a par with Latvia. Furthermore, most of these countries now graduate virtually all of their students. And we have been stuck at a 75 percent graduation rate for about 30 years. And our graduation rates are going down. We have also slipped from first in the world in higher education to 13th.

We ought to ask ourselves, what are these other countries doing as they are galloping ahead to prepare for a knowledge-based economy? There are two major things that are happening in these other countries that are addressed in part by some of the provisions of this bill. One is that they have very thoughtful curriculum and assessment systems. Their assessments are open ended, written examinations, oral examinations at the centralized level. And at the local level, there is a component which usually comprises about 50 percent of the examination score which are local assessments that engage students in science investigations, research projects, computer programming, written extended responses and presentations. You can see an example of this in Appendix A of my testimony which looks at some of the assessments in Victoria, Australia, and Hong Kong, both very high-achieving countries, which assemble the assessments in most of the high-achieving countries in the world. We need to be moving towards the kind of curriculum that is looking ahead to 21st Century skills and not be constrained only by multiple choice tests which measure a fairly low level of performance in reading and math. And our studies show, including the ones that Jack already mentioned, that students in the United States are doing less writing, less science, less history, reading fewer books and even using computers less in some States as a function of the pressures that have come about by the types of tests that have been selected.

Component is very important both for this reason and to raise graduation rates, because it can keep into account keeping kids in schools as well as raising the standards. These points have been brought to the Congress in two letters; one from 23 civil rights organizations, and another from 120 national experts, including the leading testing experts in the country as critical for moving our Nation forward.

In addition, these other countries also have very well prepared and well supported teaching forces. They bring people into high quality teacher education free of charge to all candidates with a stipend. They then bring them into the career at a competitive salary, usually benchmarked to engineers. In Singapore, beginning teachers make more than beginning doctors. They then give them mentoring throughout their careers. And they give them professional development opportunities that are very deep and rich and, in many countries, a career ladder that allows them to progress and take leadership roles and contribute to mentoring other teachers.

The teaching components of this bill, particularly those that come from the TEACH Act that had been previously introduced, are essential as beginning points for us to get to that kind of a teaching force in this country. The recruitment incentives that are there to attract both well prepared novices and expert teachers to high-need schools are very, very important. Where we have students not meeting the standards, quite often it is also because they are being taught by inexperienced and inexpert teachers. We have got to bring teachers to those communities. The new teacher residency programs in the bill, the high quality mentoring for beginning teachers that is there is a very essential point. We lose 30 percent of our beginning teachers within 5 years. It is like filling a leaky bucket and having people fall out the bottom. We could save $600 million annually by ensuring mentoring for all of our beginning teachers.

The New Teacher and Principal Professional Development Academies in the bill would move us beyond the sort of hit-and-run or drive-by workshops that are so common and so ineffective in schools. And the development of career ladders for teachers that can recognize and reward effective teachers who contribute to student learning and who show high levels of performance like those who are nationally board certified and then can share their knowledge with other teachers as mentor teachers and master teachers can actually create an engine for school improvement. Ultimately, we can't expect to achieve these high standards unless we have great teachers in every classroom and a curriculum that is squarely focused on 21st Century skills. I think this bill makes a good start in that direction.

[The statement of Ms. Darling-Hammond follows:]

Prepared Statement of Linda Darling-Hammond, Charles E. Ducommun Professor of Education, Stanford University

Congressman Miller, Congressman McKeon and members of the Committee. Thank you for this opportunity to testify on the draft bill to re-authorize No Child Left Behind. I am Linda Darling-Hammond, Charles E. Ducommun Professor of Education at Stanford University and co-director of the Stanford Educational Leadership Institute and the School Redesign Network. I was also the founding Executive Director of the National Commission on Teaching and America's Future, and have spent many years studying policies and practices in the U.S. and around the world that support stronger curriculum, assessment, teaching and learning.

I want also to thank the Committee for its openness and commitment to the democratic process in having shared a public draft of the re-authorization bill prior to finalizing the bill. This move shows a respect and consideration for the public that is appreciated by those who care deeply about our nation's education system.

While the very complex NCLB legislation has many elements that deserve attention and ongoing revision, I am sure you will hear about those from many others. I want to focus my testimony this morning on three key elements of the law:

1. The provisions to encourage multiple measures of assessment and multiple indicators of school progress, which I believe are essential to raise standards and strengthen educational quality in ways that are internationally competitive;

2. The provisions to improve the quality and distribution of the teaching force, which are also essential to our ability to reach the high goals this Congress would like to establish for our nation's schools, and

3. The means for measuring school progress from year to year, which I believe need to become more publicly comprehensible and more closely focused on evaluating continuing progress for students and schools.

My comments are based on studies of U.S. education and of the education systems of other countries that are outperforming the U.S. by larger and larger margins every year. For example, in the most recent PISA assessments, the U.S. ranked 19th out of 40 countries in reading, 20th in science, and 28th in math (on a par with Latvia), outscored by nations like Finland, Sweden, Canada, Hong Kong, South Korea, the Netherlands, Japan, and Singapore (which did not participate in PISA but scored at the top of the TIMSS rankings) that are investing intensively in the kinds of curriculum and assessments and the kinds of teaching force improvements that we desperately need and that this re-authorization bill is seeking to introduce.

2003 PISA RESULTS

Reading	Scientific Literacy	Math
Finland	Finland	Hong Kong
South Korea	Japan	Finland
Canada	Hong Kong	South Korea
Australia	South Korea	Netherlands
Liechtenstein	Liechtenstein	Liechtenstein
New Zealand	Australia	Japan
Ireland	Macao	Canada
Sweden	Netherlands	Belgium
Netherlands	Czech Republic	Macao (China)
U.S. ranks # 19 / 40	U.S. ranks #20 / 40	U.S. ranks #28 / 40

It is worth noting that PISA assessments focus explicitly on 21st century skills, going beyond the question posed by most U.S. standardized tests, "Did students learn what we taught them?" to ask, "What can students do with what they have learned?" PISA defines literacy in mathematics, science, and reading as students' abilities to apply what they know to new problems and situations. This is the kind of higher-order learning that is increasingly emphasized in other nations' assessment systems, but often discouraged by the multiple-choice tests most states have adopted under the first authorization of No Child Left Behind. Underneath the United States' poor standing is an outcome of both enormous inequality in school inputs and outcomes and a lack of sufficient focus for all students on higher-order thinking and problem-solving, the areas where all groups in the U.S. do least well on international tests.

In addition to declines in performance on international assessments, the U.S. has slipped in relation to other countries in terms of graduation rates and college-going. Most European and Asian countries that once educated fewer of their citizens now routinely graduate virtually all of their students. Meanwhile, the U.S. has not improved graduation rates for a quarter century, and graduation rates are now going down as requirements for an educated workforce are going steeply up. According to an ETS study, only about 69% of high school students graduated with a standard diploma in 2000, down from 77% in 1969 (Barton, 2005). Of the 60% of graduates who go onto college, only about half graduate from college with a degree. In the end, less than 30% of an age cohort in the U.S. gains a college degree (U.S. Census Bureau, 2005). For students of color, the pipeline leaks more profusely at every juncture. Only about 17% of African American young people between the ages of 25 and 29—and only 11% of Hispanic youth—had earned a college degree in 2005, as compared to 34 % of white youth in the same age bracket (U.S. Census Bureau, 2005).

And whereas the U.S. was an unchallenged 1st in the world in higher education participation for many decades, it has slipped to 13th and college participation for our young people is declining (Douglass, 2006). Just over one-third of U.S. young adults are participating in higher education, most in community colleges. Meanwhile, the countries belonging to the Organization for Economic Cooperation and Development (OECD), which are mostly European, now average nearly 50% participation in higher education, and most of these students are in programs leading to a bachelors degree. Similarly in Southeast Asia, enormous investments in both K-

12 and higher education have steeply raised graduation rates from high school and college-going rates.

The implications of these trends are important for national economies. A recent OECD report found that for every year that the average schooling level of the population is raised, there is a corresponding increase of 3.7% in long-term economic growth (OECD, 2005), a statistic worth particular note while the U.S. is going backwards in educating its citizens, and most of the rest of the world is moving forward.

What are High-Achieving Nations Doing?

Funding. Most high-achieving countries not only provide high-quality universal preschool and health care for children, they also fund their schools centrally and equally, with additional funds to the neediest schools. By contrast, in the U.S., the wealthiest school districts spend nearly ten times more than the poorest, and spending ratios of 3 to 1 are common within states (ETS, 1991; Kozol, 2005). These disparities reinforce the wide inequalities in income among families, with the most resources being spent on children from the wealthiest communities and the fewest on the children of the poor, especially in high-minority communities.

Teaching. Furthermore, high-achieving nations intensively support a better-prepared teaching force—funding competitive salaries and high-quality teacher education, mentoring, and ongoing professional development for all teachers, at government expense. Countries which rarely experience teacher shortages (such as Finland, Sweden, Norway, Netherlands, Germany, Australia, New Zealand, Japan, Taiwan, Singapore) have made substantial investments in teacher training and equitable teacher distribution in the last two decades. These include:

- High-quality pre-service teacher education, completely free of charge to all candidates, including a year of practice teaching in a clinical school connected to the university,
- Mentoring for all beginners in their first year of teaching from expert teachers, coupled with other supports like a reduced teaching load and shared planning,
- Salaries which are competitive with other professions, such as engineering and are equitable across schools (often with additional stipends for hard-to-staff locations),
- Ongoing professional learning embedded in 10 or more hours a week of planning and professional development time (Darling-Hammond, 2005).

Leaders in Finland attribute the country's dramatic climb from the bottom of the international rankings to the very top to intensive investments in teacher education. Over ten years the country overhauled preparation to focus more on teaching for higher-order skills and teaching diverse learners—including a strong emphasis on those with special needs—and created a funding stream to provide a 3-year graduate level preparation program to all teacher candidates free of charge and with a living stipend, a full year of training in a professional development school site—rather like the residency promoted in this draft bill, intensive mentoring once in the classroom, and more than ten hours a week of professional learning time in school, where teachers collaborate on lesson planning and on the development and scoring of local performance assessments that are the backbone of the country's assessment system.

In high-achieving Singapore, which I recently visited as part of a review team for the Institute of Education, students from the top ⅓ of the high school class are recruited into a 4-year teacher education program (or, if they enter later, a one-year graduate program) and immediately put on the Ministry's payroll as employees. They are paid a stipend while they are in training (which is free for them) and are paid at a rate that is higher than beginning doctors when they enter the profession. There they receive systematic mentoring from expert teachers once they begin teaching. Like all other teachers in Singapore, the government pays for 100 hours of professional development annually in addition to the 20 hours a week they have to work with other teachers and visit each others' classrooms to study teaching. As they progress through the career, there are 3 separate career ladders they can pursue, with support from the government for further training: developing the skills and taking on the responsibilities of curriculum specialists, teaching / mentoring specialists, or prospective principals.

Curriculum and Assessment. Finally, these high-achieving nations focus their curriculum on critical thinking and problem solving, using examinations that require students to conduct research and scientific investigations, solve complex real-world problems in mathematics, and defend their ideas orally and in writing. In most cases, their assessment systems combine centralized (state or national) assessments that use mostly open-ended and essay questions and local assessments given by teachers, which are factored into the final examination scores. These local assessments—which include research papers, applied science experiments, presentations

of various kinds, and projects and products that students construct—are mapped to the syllabus and the standards for the subject and are selected because they represent critical skills, topics, and concepts. They are often suggested and outlined in the curriculum, but they are generally designed, administered, and scored locally.

An example of such assessments can be found in Appendix A, which shows science assessments from high-achieving Victoria, Australia and Hong Kong—which use very similar assessment systems—in comparison to traditional multiple choice or short answer items from the United States. Whereas students in most parts of the U.S. are typically asked simply to memorize facts which they need to recognize in a list answers, or give short answers which are also just one-sentence accounts of memorized facts, students in Australia and Hong Kong (as well as other high-achieving nations) are asked to apply their knowledge in the ways that scientists do.

The item from the Victoria, Australia biology test, for example, describes a particular virus to students, asks them to design a drug to kill the virus and explain how the drug operates (complete with diagrams), and then to design an experiment to test the drug. This state test in Victoria comprises no more than 50% of the total examination score. The remaining components of the examination score come from required assignments and assessments students undertake throughout the year—lab experiments and investigations as well as research papers and presentations—which are designed in response to the syllabus. These ensure that they are getting the kind of learning opportunities which prepare them for the assessments they will later take, that they are getting feedback they need to improve, and that they will be prepared to succeed not only on these very challenging tests but in college and in life, where they will have to apply knowledge in these ways.

Locally managed performance assessments that get students to apply their knowledge to real-world problems are critically to important to the teaching and learning process. They allow the testing of more complex skills that cannot be measured in a two-hour test on a single day. They shape the curriculum in ways that ensure stronger learning opportunities. They give teachers timely, formative information they need to help students improve—something that standardized examinations with long lapses between administration and results cannot do. And they help teachers become more knowledgeable about the standards and how to teach to them, as well as about their own students and how they learn. The process of using these assessments improves their teaching and their students' learning. The processes of collective scoring and moderation that many nations or states use to ensure reliability in scoring also prove educative for teachers, who learn to calibrate their sense of the standards to common benchmarks.

The power of such assessments for teaching and learning is suggested by the fact that ambitious nations are consciously increasing the use of school-based performance assessments in their systems. Hong Kong, Singapore, and several Australian states have intensive efforts underway to expand these assessments. England, Canada, Sweden, and the Netherlands have already done so. Locally managed performance assessments comprise the entire assessment system in top-ranked Finland and in Queensland and ACT, Australia—the highest-achieving states in that high-achieving nation.

These assessments are not used to rank or punish schools, or to deny promotion or diplomas to students. (In fact, several countries have explicit proscriptions against such practices). They are used to evaluate curriculum and guide investments in professional learning—in short, to help schools improve. By asking students to show what they know through real-world applications of knowledge, these other nations' assessment systems encourage serious intellectual activities that are currently being discouraged in U.S. schools by the tests many states have adopted under NCLB.

How NCLB can Help the United States Become Educationally Competitive

Multiple Measures and Performance Assessments. The proposals in the re-authorization draft to permit states to use a broader set of assessments and to encourage the development and use of performance assessments are critical to creating a globally competitive curriculum in U.S. schools. We need to encourage our states to evaluate the higher-order thinking and performance skills that leading nations emphasize in their systems, and we need to create incentives that value keeping students in school through graduation as much as producing apparently high average scores at the school level.

Many states developed systems that include state and locally-administered performance assessments as part of their efforts to develop standards under Goals 2000 in the 1990s. (These states included Connecticut, Kentucky, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New York, Oregon, Vermont, Rhode Island,

Washington, Wisconsin, and Wyoming, among others.) Not coincidentally, these include most of the highest-achieving states in the U.S. on the National Assessment of Educational Progress. Indeed, the National Science Foundation provided millions of dollars for states to develop such hands-on science and math assessments as part of its Systemic Science Initiative in the 1990s, and prototypes exist all over the country. One such measure—a science investigation requiring students to design, conduct, analyze, and write up results for an experiment—currently used as a state science assessment in Connecticut (a top-ranked state in both science and writing) is included with the assessment examples in Appendix A.

Researchers learned that such assessments can be managed productively and reliably scored with appropriate training and professional development for teachers, along with moderation and auditing systems, and that teaching and student achievement improve when such assessments are used. (For a review, see Darling-Hammond & Rustique-Forrester, 2006).

However, the initial years of NCLB have discouraged the use and further development of these assessments, and have narrowed the curriculum both in terms of the subjects and kinds of skills taught. NCLB's rapidly implemented requirement for every-child every-year testing created large costs and administrative challenges that have caused some states to abandon their performance assessments for machine-scored, multiple choice tests that are less expensive to score and more easily satisfy the law. In addition, the Department of Education has discouraged states from using such assessments. When Connecticut sued the federal government for the funds needed to maintain its sophisticated performance assessments on an every-child every-year basis, the Department suggested the state drop these tasks—which resemble those used in high-scoring nations around the world—for multiple choice tests. Thus the administration of the law is driving the U.S. curriculum in the opposite direction from what a 21st century economy requires.

A number of studies have found that an exclusive emphasis on (primarily multiple-choice) standardized test scores has narrowed the curriculum. The most recent reports of the Center for Education Policy (CEP) and the National Center for Education Statistics (May 2007 Stats in Brief) confirm sizeable drops in time dedicated to areas other than reading and math, including science, history, art, and physical education. The CEP also found that districts are more tightly aligning their instruction to this limited format as well as content of state tests. While these tests are one useful indicator of achievement, studies document that they often overemphasize low-level learning. As reporter Thomas Toch recently stated, "The problem is that these dumbed-down tests encourage teachers to make the same low-level skills the priority in their classrooms, at the expense of the higher standards that the federal law has sought to promote." To succeed in college, employment and life in general, students need critical thinking and problem solving skills that the tests fail to measure, and they need a complete curriculum.

Teachers in many states report that the curriculum is distorted by tests and that they feel pressured to use test formats in their instruction and to teach in ways that contradict their ideas of sound instructional practice. An Education Week survey of more than 1,000 public school teachers reported that two-thirds felt their states had become too focused on state tests; 85% reported that their school gives less attention to subjects that are not on the state test. One Texas teacher noted, "At our school, third- and fourth-grade teachers are told not to teach social studies and science until March." Teachers often feel that their responses to tests are not educationally appropriate. These comments from teachers—reflecting the view of a majority in recent surveys—give a sense of the problem:

Before [our current state test] I was a better teacher. I was exposing my children to a wide range of science and social studies experiences. I taught using themes that really immersed the children into learning about a topic using their reading, writing, math, and technology skills. Now I'm basically afraid to NOT teach to the test. I know that the way I was teaching was building a better foundation for my kids as well as a love of learning. Now each year I can't wait until March is over so I can spend the last two and a half months of school teaching the way I want to teach, the way I know students will be excited about.

• A Florida Teacher

I have seen more students who can pass the [state test] but cannot apply those skills to anything if it's not in the test format. I have students who can do the test but can't look up words in a dictionary and understand the different meanings. * * * As for higher quality teaching, I'm not sure I would call it that. Because of the pressure for passing scores, more and more time is spent practicing the test and putting everything in test format.

• A Texas Teacher

Studies find that, as a result of test score pressures, students are doing less extended writing, science inquiry, research in social sciences and other fields, and intensive projects that require planning, finding, analyzing, integrating, and presenting information—the skills increasingly needed in a 21st century workforce. The use of computers for writing and other purposes has even declined in states that do not allow computer use on their standardized tests (for a summary, see Darling-Hammond & Rustique-Forrester, 2005). This narrowing is thought to be one reason for the poor performance of the U.S. on international assessments like PISA, which evaluate how students can apply knowledge to complex problems in new situations.

Indeed, as state test scores have gone up under NCLB, scores on other tests measuring broader skills have not. For example, for some states, Reading gains are positive on the state test but negative on the more intellectually challenging NAEP test. Overall, data from the trend NAEP assessment show that math gains from the 1990s have leveled off since 2002 and reading has declined.

Perhaps the most troubling unintended consequence of NCLB has been that the law creates incentives for schools to boost scores by pushing low-scoring students out of school. The very important goal of graduating more of our students has simply not been implemented, and the accountability provisions actually reward schools with high dropout rates. Push-out incentives and the narrowed curriculum are especially severe for students with disabilities, English language learners, students of color and economically disadvantaged students. Recent reports of the Public Education Network confirm that parents, students and other community members are concerned about the over-reliance on test scores for evaluating students and schools. A number of recent studies have confirmed that this over-reliance has been associated with grade retention and other school actions that exacerbate dropout rates and student exclusion from school, especially for low-income students of color.[i] This creates the perverse outcome that efforts to raise standards are resulting in fewer students receiving an education.

If education is to improve in the United States, schools must be assessed in ways that produce high-quality learning and that create incentives to keep students in school. A central part of a solution to these problems is to employ multiple forms of assessment and multiple indicators, while retaining the powerful tools of publicly available assessment information and the critically important focus on equity. The provisions of the draft bill that allow states to develop and use such measures, and the requirements that these include graduation rates, are essential to creating the incentives for a world-class curriculum within a world-class education system that actually reduces the achievement gap while ensuring more and more students are well-educated. A multiple measures approach can help schools and districts improve student outcomes more effectively because:

1. The use of multiple measures ensures that attention will be given to a comprehensive academic program and a more complete array of important learning outcomes;

2. A multiple measures approach can incorporate assessments that evaluate the full range of standards, including those addressing higher-order thinking and performance skills;

3. Multiple measures provide accountability checks and balances so that emphasizing one measure does not come at the expense of others (e.g. boosting test scores by excluding students from school), but they can give greater emphasis to priority areas; and

4. A multiple measures index can provide schools and districts with incentives to attend to the progress of students at every point on the achievement spectrum, including those who initially score far below or above the test score cut point labeled "proficient." It can encourage schools to focus on the needs of low-scoring students, students with disabilities, and ELL students, using assessments that measure gains from wherever students begin and helping them achieve growth.

One of the central concepts of NCLB's approach is that schools and systems will organize their efforts around the measures for which they are held accountable. Because focusing exclusively on a single indicator is both partial and problematic, the concept of multiple measures is routinely used by policymakers to make critical decisions about such matters as employment and economic forecasting (e.g., the Dow Jones Index or the GNP), as well as admissions to college. Successful businesses use a "dashboard" set of indicators to evaluate their health and progress, aware that no single measure is sufficient to understand or guide their operations. Business leaders understand that efforts to maximize short-term profits alone could lead to behaviors that undermine the long-term health of the enterprise.

Similarly, use of a single measure to guide education can create unintended negative consequences or fail to focus schools on doing those things that can improve their long-term health and the education of their students. Indeed, the measure-

ment community's Standards for Educational and Psychological Testing mandates the use of multiple sources of evidence for major decisions. NCLB calls for multiple measures of student performance, and some states have developed systems that incorporate such measures. Up to now, implementation of the law has not promoted their use for evaluating school progress. In the new NCLB these and other states will be supported to develop systems that resemble those in the highest-achieving nations around the globe.

Multiple indicators can counter the problems caused by over-reliance on single measures. Multiple forms of assessment can include traditional statewide tests as well as other assessments, developed at the state or local levels, that include writing samples, research projects, and science investigations, as well as collections of student work over time. These can be scored reliably according to common standards and can inform instruction in order to improve teaching and learning. Such assessments would only be used for accountability purposes when they meet the appropriate technical criteria, reflect state-approved standards, and apply equitably to all students, as is already the case in Connecticut, Nebraska, Oregon, Vermont, and other states successfully using multiple forms of assessment.

To counter the narrowing of the curriculum and exclusion of important subjects that has been extensively documented as a consequence of NCLB, the new law should, as this draft proposes, allow states to include other subjects, using multiple forms of assessment, in an index of school indicators measuring school progress toward a "proficiency benchmark" that incorporates both good measures of learning and measures of graduation and progress through school. To ensure strong attention is given to reading and math, these subjects can be weighted more heavily. Graduation rates and grade promotion rates should be given substantial weight in any accountability system. Other relevant indicators of school progress, such as attendance or participation in rigorous coursework, could be included. (For specifics on how such an index might operate, see Appendix B.) An index that tracks and sets targets for continual school progress—including the progress of student groups within the school—at all points along the achievement continuum would accomplish several goals:

- It would actually measure how much students are learning, taking into account the progress of all students not just a select few, including students who score well above or below the "proficiency" level;
- It would allow for more appropriate attention to and assessment of special education students and English language learners;
- It would provide incentives for schools to offer a full curriculum and to incorporate multiple measures of learning that include more ambitious performance assessments;
- It would provide a better warning system, distinguishing between schools that are making steady progress and those that are truly failing and thus unable to make progress on the index, so that states can focus on those needing the most help
- It would enable teachers and schools to chart students' progress and increase ambitions for all, to proficiency and beyond
- It would create incentives for schools to invest in all students' education, to keep students in school, and to and address all aspects of performance.

Because evidence is clear that multiple assessments are beneficial to student learning and accountability decisions, it is promising that the bill includes a provision to provide significant funds to assist states and districts to implement systems that include multiple forms of evidence about student learning, including state and local performance assessments. of state assessment and accountability systems.

These points in support of a multiple measures approach to accountability were made in two recent letters to the Congress—one from a group of 23 leading civil rights organizations, including Aspira, LULAC, the NAACP, the National Council for Educating Black Children, and others, and the other from more than 120 leading educational experts, including the nation's most prominent testing experts and more than a dozen former presidents of organizations including the American Educational Research Association, the National Academy of Education, and the National Council for Measurement in Education. These letters can be found *http://www.edaccountability.org*.

Investments in Teaching. Once we develop a strong curriculum that focuses on 21st century skills, which teaches and assesses the skills we need in the ways that students will use them in the real world, we must also ensure that we have well-prepared and well-supported teachers who know and can teach challenging content extremely well to the very diverse group of students in our schools. Few of the conditions that support teaching in high-achieving nations are routinely in place in school systems across the U.S. and they are especially lacking in the school districts and schools which serve most low-income students and students of color.

Unfortunately, unlike other industrialized nations that are high-achieving, the United States lacks a systematic approach to recruiting, preparing, and retaining teachers, or for using the skills of accomplished teachers to help improve schools. With unequal resources across districts, and few governmental supports for preparation or mentoring, teachers in the U.S. enter:

• with dramatically different levels of training—with those least prepared typically teaching the most educationally vulnerable children,

• at sharply disparate salaries—with those teaching the neediest students typically earning the least,

• working under radically different teaching conditions—with those in the most affluent communities benefiting from class sizes under 20 and a cornucopia of materials, equipment, specialists, and supports, while those in the poorest communities teach classes of 40 or more without adequate books and supplies,

• with little or no on-the-job mentoring or coaching in most communities to help teachers improve their skills

Most also have few ways to engage in developing and using their skills to maximum advantage, spending most of their careers teaching solo in egg-crate classrooms, rather than working with colleagues to improve curriculum, instruction, and assessment.

This re-authorization proposal promises to make substantial headway on these problems. Particularly important are several elements of the TEACH Act that have been integrated into the bill. These include:

• Recruitment incentives to attract both well-prepared novices and accomplished veteran teachers into high-need schools, through innovative training and compensation approaches;

• Improvements in teachers' preparation through new teacher residency programs in high need communities, as well as improvements in all teachers' preparation to teach content standards, to teach diverse students well, and to use technology;

• A focus on improving teacher education and teacher effectiveness through the development of a nationally available teacher performance assessment

• High-quality mentoring for all beginning teachers;

• Strong professional development through new Teacher and Principal Professional Development Academies; and

• The development of career ladders for teachers that can recognize and reward highly-accomplished and effective teachers who show high levels of performance and the ability to contribute to student learning—and that can take advantage of these teachers' expertise by creating mentor and master teacher positions that allow them to support other teachers and the school as a whole in improving curriculum and instruction.

This comprehensive approach can begin to transform our conceptions of the teaching career in much the way that other countries have already done system-wide. Many elements of the bill are based on a thoughtful diagnosis of our teacher supply and quality problems and a set of initial steps that, if eventually integrated system-wide, could actually begin to solve these problems. Below I touch briefly on the reasons for the importance and likely success of these elements of the bill.

Recruitment Incentives to Attract Expert Teachers to High-Need Schools—Much research has shown that teachers are the most unequally distributed school resource and that low-income schools have a disproportionate number of inexperienced and under-prepared teachers. Recruitment incentives for high-need schools are needed to attract and keep expert, experienced teachers in the schools where they are most needed, both to teach and to mentor other teachers. The bill offers a combination of salary incentives and improvements in working conditions, including time for teachers to work and plan together, which have been shown to influence teachers' career decisions.

As part of a broader career ladder initiative, federal matching grants to states and districts can provide incentives for the design of innovative approaches to attract and keep accomplished teachers in priority low-income schools, through compensation for accomplishment and for additional responsibilities, such as mentoring and coaching. The bill allows for districts to recognize teacher expertise through such mechanisms as National Board Certification, state or local standards-based evaluations, and carefully assembled evidence of contributions to student learning.

Improvements in Teacher Preparation and Professional Development. While NCLB's highly qualified teacher provision has strengthened preparation in the content areas, there is much work to be done to improve teacher effectiveness. Major needs are stronger preparation for teachers to learn how to teach effectively within their content areas, how to design and use assessments that reveal how students are learning and guide teaching, how to teach reading and literacy skills at all grade levels, and how to teach special education students and English language

learners. These students are the disproportionately ones who are failing to meet standards under NCLB and their teachers need very sophisticated skills to help them.

The TEACH Act proposes grants to strengthen teacher preparation and professional development in these areas which represent best practices in the field—involving teachers in curriculum and assessment planning, modeling and demonstration of teaching strategies, and follow up coaching in classrooms in both pre- and in-service development programs. These approaches should replace the "hit-and-run" professional development that is currently common. Professional Development Academies can provide a steady supply of high-quality professional development of the kind that has been shown to improve student achievement—intensive institutes and study opportunities for networks of teachers who can both work on these practices together and receive on the job coaching to hone their skills.

New models of teacher preparation are especially needed in our high-need districts. The most critical need for improving teacher preparation is to ensure that programs provide one of the most important elements of preparation—the opportunity to learn under the direct supervision of expert teachers working in schools that serve high-need students well. Teaching cannot be learned from books or even from being mentored periodically. Teachers must see expert practices modeled and must practice them with help. However, student teaching is too often reduced or omitted, or it is in classrooms that do not model expert practice, or it is in classrooms that do not serve high-need students—and what is learned does not generalize to other schools. This fundamental problem has to be tackled and solved if we are to prepare an adequate supply of teachers who will enter urban or poor rural classrooms competent to work effectively with the neediest students and confident enough to stay in teaching in these areas.

The Bill provides for teacher residency programs in high-need communities. This alternative has proven successful in the Urban Teacher Residency designed in Chicago that has created new schools or completely re-staffed existing schools with highly expert mentor teachers (like professional development schools) and then placed mid-career recruits in the classrooms of these mentor teachers for a year while they complete coursework in curriculum, teaching, and learning at partner universities. Rather than trying to teach without seeing good teaching in a sink or swim model, these recruits watch experts in action and are tutored into accomplished practice. They receive a $30,000 salary during this year and a master's degree and credential at the end of the year. They continue to receive mentoring in the next two years. They are selected because they want to commit to a career in urban public school teaching and they pledge to spend at least four years in city schools. This model has already shown high retention rates in teaching and strong performance by graduates, who now staff other turnaround schools in the city. Similar models have been launched in Boston and other cities. Such programs can solve several problems simultaneously—creating a pipeline of committed teachers who are well-prepared to engage in best practice for children in for high-need schools, while creating demonstration sites that serve as models for urban teaching and teacher education.

Competitive grants to schools of education and districts for developing these kinds of learning opportunities should also require evidence of teacher learning and advances in practice so that knowledge builds about how to support teachers in acquiring these much more complex teaching skills. To focus more productively on teacher performance and effectiveness, rather than merely seat time, both preparation and mentoring can be strengthened if they are guided by a high-quality, nationally-available teacher performance assessment, which measures actual teaching skill in the content areas. Current examinations used for licensing and for federal accountability typically measure basic skills and subject matter knowledge in paper-and-pencil tests that demonstrate little about teachers' abilities actually to teach effectively. Several states, including Connecticut and California, have incorporated such performance assessments in the licensing process. These assessments—which can also be used as data for the accreditation process—have been found to be strong levers for improving preparation and mentoring, as well as determining teachers' effectiveness in promoting student achievement gains. Federal support for the development of a nationally available, performance assessment for licensing will not only provide a useful tool for accountability and improvement, but it would also facilitate teacher mobility across states, which will help solve teacher shortages.

High Quality Mentoring for Beginning Teachers—Retention is at least as important to solving teacher supply as recruitment. With 30% of new teachers leaving within 5 years (and more in urban areas), the revolving door cannot be slowed until the needs for beginning teacher support are addressed. Other high-achieving countries invest heavily in structured induction for beginning teachers: they fund schools

to provide released time for expert mentors and they fund other learning opportunities for beginners, such as seminars, visits to other teachers' classrooms, and joint planning time. Such strategies have been also been found effective in reducing beginning teacher attrition in the U.S., with rates of leaving reduced from more than 30% of beginning teachers to as low as 5% in some districts that have introduced high-quality induction programs. A critical component is strong mentoring, which includes on-the-job observations and coaching in the classroom as well as support for teacher planning by expert veterans.[ii]

Although requirements for beginning teacher induction have proliferated, with more than 30 states now requiring some kind of induction program, many are not funded and do not provide the kind of mentoring and coaching that are needed.[iii] Two recent analyses of a large-scale national teacher survey revealed that, in addition to salaries and working conditions, the most important predictors of teacher's ongoing commitment to the profession are extent of preparation they have received and the quality of the mentoring and support they receive.[iv] Federal incentives could leverage state efforts to create strong mentoring in every community. This bill provides the conditions for mentoring for beginning teachers that can reduce attrition and increase competence. If even half of the early career teachers who leave teaching were to be retained, the nation would save at least $600 million a year in replacement costs.

Career Ladders for Teaching. The additional benefit of these and other mentoring programs is that they can be part of a career ladder for teachers, providing a new lease on life for many veteran teachers as well. Expert veterans need ongoing challenges to remain stimulated and excited about staying in the profession. Many say that mentoring and coaching other teachers creates an incentive for them to remain in teaching as they gain from both learning from and sharing with other colleagues.

The bill's incentives for developing career ladders in willing districts may create models that can help transform the way we organize the teaching career and keep great teachers in the profession while better using their skills. Existing compensation systems in teaching create a career pathway that places classroom teaching at the bottom, provides teachers with little influence in making key education decisions, and requires teachers to leave the classroom if they want greater responsibility or substantially higher pay. The message is clear: those who work with children have the lowest status; those who do not, the highest.

We need a different career continuum, one that places teaching at the top and creates a career progression that supports teachers as they become increasingly expert. Like the path from assistant professor to associate and full professor on campuses—or junior associate to partner in law firms—new pathways should recognize skill and accomplishment, anticipate that professionals will take on roles that allow them to share their knowledge, and promote increased skill development and expertise.

Although tying teacher advancement to performance is a desirable goal, efforts to institute versions of merit pay in education have faltered many times before—in the 1920s, the 1950s, and most recently in the 1980s, when 47 states introduced versions of merit pay or career ladders, all of which had failed by the early 1990s. The reasons for failure have included faulty evaluation systems, concerns about bias and discrimination, strategies that rewarded individual teachers while undermining collaborative efforts, dysfunctional incentives that caused unintended negative side-effects, and lack of public will to continue increased compensation.

The bill allows districts to move past these former problems by working with local teachers to develop new models that include multiple measures of performance which are carefully developed and tested. Without abandoning many of the important objectives of the current salary schedule—equitable treatment, incentives for further education, and objective means for determining pay—compensation systems could provide salary incentives for demonstrated knowledge, skill, and expertise that move the mission of the school forward and reward excellent teachers for continuing to teach. Rewarding teachers for deep knowledge of subjects, additional knowledge in meeting special kinds of student and school needs, and high levels of performance measured against professional teaching standards could encourage teachers to continue to learn needed skills and could enhance the expertise available within schools.[v]

These initiatives generally have several features in common. All require teacher participation and buy-in to be implemented. Typically, evaluations occur at several junctures as teachers move from their initial license, through a period as a novice or resident teacher under the supervision of a mentor, to designation as professional teacher after successfully passing an assessment of teaching skills. Tenure is a major step tied to a serious decision made after rigorous evaluation of performance in the first several years of teaching, incorporating administrator and peer review

by expert colleagues. Lead teacher status—which triggers additional compensation and access to differentiated roles—may be determined by advanced certification from the National Board for Professional Teaching Standards and/or other evidence of performance through standards-based evaluation systems which may incorporate evidence of contributions to student learning.

As we work to develop these new approaches to measuring teacher effectiveness for purposes of recognizing and rewarding teachers, it will be important to consider both the availability and accuracy of particular measures and the potential incentive effects of their use. For any high stakes purpose associated with personnel decision making or compensation, multiple measures should be used, as they are in all the systems noted earlier, since all measures give a partial picture of teacher performance and are subject to error. In addition, the system should be designed to operate so that teachers are not penalized for teaching the students who have the greatest educational needs. Incentives should operate to recognize and reward teachers who work with challenging students. This requires sensitivity to student and classroom characteristics in the evaluation system and ways to examine gains in learning appropriately.

Conclusion

While there are many complex elements of NCLB that will require continual attention and refinement, two important elements of the new re-authorization should be especially encouraged if we are to develop a world-class system of education. Multiple measures approaches to assessing learning—which include performance assessments of what students know and can do—and multiple indicators of school performance, including graduation rates are critically important to keep the U.S. focused on developing 21st century skills for all students.

And serious investments in the teaching force—ultimately at a scale even more intensive than this bill envisions—will be the basis on which those ambitious standards can be taught and achieved. This re-authorization bill is an important start on these important agendas.

ENDNOTES

[i] For recent studies examining the increases in dropout rates associated with high-stakes testing systems, see Advocates for Children (2002). Pushing out at-risk students: An analysis of high school discharge figures—a joint report by AFC and the Public Advocate. *http://www.advocatesforchildren.org/pubs/pushout-11-20-02.html;* W. Haney (2002). Lake Wobegone guaranteed: Misuse of test scores in Massachusetts, Part 1. Education Policy Analysis Archives, 10(24). *http://epaa.asu.edu/epaa/v10n24/;* J. Heubert & R. Hauser (eds.) (1999). High stakes: Testing for tracking, promotion, and graduation. A report of the National Research Council. Washington, D.C.: National Academy Press; B.A. Jacob (2001). Getting tough? The impact of high school graduation exams. Education and Evaluation and Policy Analysis 23 (2): 99-122; D. Lilliard, & P. DeCicca (2001). Higher standards, more dropouts? Evidence within and across time. Economics of Education Review, 20(5): 459-73;G. Orfield, D. Losen, J. Wald, & C.B. Swanson (2004). Losing our future: How minority youth are being left behind by the graduation rate crisis. Retrieved March 11, 2008 from: *http://www.urban.org/url.cfm?ID=410936;* M. Roderick, A.S. Bryk, B.A. Jacob, J.Q. Easton, & E. Allensworth (1999). Ending social promotion: Results from the first two years. Chicago: Consortium on Chicago School Research; R. Rumberger & K. Larson (1998). Student mobility and the increased risk of high school dropout. American Journal of Education, 107: 1-35; E. Rustique-Forrester (in press). Accountability and the pressures to exclude: A cautionary tale from England. Education Policy Analysis Archives; A. Wheelock (2003). School awards programs and accountability in Massachusetts.

[ii] A number of studies have found that well designed mentoring programs improve retention rates for new teachers along with their attitudes, feelings of efficacy, and their range of instructional strategies (California Commission on Teacher Credentialing, 1992; Karge and Freiberg, 1992; Kolbert and Wolff, 1992; Darling-Hammond & Sykes, op. cit.; Luczak, op. cit.)

[iii] National Commission on Teaching and America's Future, No Dream Denied. Washington, DC: Author, 2003.

[iv] Ingersoll, 1997b; Luczak, 2005.

[v] There are a few initiatives that have been developed which share some common features upon which these new career ladders may be built. These include the Procomp system in Denver, CO, a locally-designed system of teacher compensation based on knowledge, skills, and performance, which incorporates compensation for additional knowledge and skills, evidence of performance, and new roles and responsibilities. (For more detail, see *http://denverprocomp.org*.) and innovative career ladders in Cincinnati, OH and Rochester, NY, which have been in place since the 1990s. These incorporate mentoring for beginners by lead teachers who have reached the top level of the career ladder, as well as other responsibilities for lead teachers. More recent efforts have been initiated in Helena, Montana and Portland, Maine and, in the only current state system, Minnesota (for more information, see *http://www.educationminnesota.org/index.cfm?PAGE—ID-15003*). In addition the Teacher Advancement Project provides a career ladder that rewards evidence of knowledge and skill, as well as performance, and incorporates extensive professional development that occurs during shared teacher time in schools that are redesigned to provide regular learning opportunities.

Chairman MILLER. Thank you.
Mr. Podesta.

STATEMENT OF JOHN PODESTA, PRESIDENT AND CHIEF EXECUTIVE OFFICER, CENTER FOR AMERICAN PROGRESS

Mr. PODESTA. Thank you Chairman Miller, Mr. McKeon and members of the committee. It is good to be back. I was here and testified in May on the importance of teachers and teacher excellence, and I am glad to see that many of the provisions we talked about that day are incorporated into this discussion draft. At the outset, let me note that it is easy to get sucked into the jargon of that reform and start talking quickly about AYPs and growth models and AMOs and SES, et cetera. But we should always remember that the primary intent of this important legislation is to ensure that disadvantaged low-income and minority students have the same opportunities as other children to attend a decent public school and to turn their ambitions and aspirations into a meaningful life. That goal is as important today as it was when President Johnson first signed ESEA into law more than 40 years ago, perhaps more important because of the increased diversity in changing demographics of our population and because of the important economic challenges that Dr. Darling-Hammond mentioned. I for one believe that you have had a tremendously difficult task, and I commend you for pulling together numerous and I think sometimes contradictory recommendations in a sensible manner. In my judgment, the discussion draft has successfully balanced multiple points of view while maintaining a focus on the important goal of helping all students meet proficiency by 2014.

A draft can always be improved upon, but you start from a very strong bipartisan base. I may be the only person of the 44 witnesses here to say that today. My written testimony outlines in detail the center's assessment of the draft reauthorization. I would like to make very brief comments in four specific areas this morning. First, with regard to accountability, we believe the discussion draft strikes a balance between strong accountability and high expectations and the rightful call for increased flexibility. There are many important new provisions in this draft statute. Jack identified them. I won't repeat. But the center does have some concerns about the new local assessment pilot program. The draft says that local assessments are to be an addition to State assessments, but does not clarify how the AYP process would work and whether the State assessment results would still be publicly reported at the various performance levels for each subgroup. These provisions may be hard to implement and could lead to unfortunate results for different localities within a State.

We therefore urge the committee to proceed cautiously with that pilot project and offer the following recommendations to do so, perhaps reduce the number of pilot States to 10 or less, consider geographic and urban world diversity and most importantly require pilot States to continue to report student performance levels on State assessments in addition to local ones.

Second, we applaud the addition in Title II for a new Part A discretionary program to strengthen teacher effectiveness through extra pay for success, career letters and support the performance

assessments. In order to attract and retain highly effective teachers and principals, there is a great need for targeted investments like this to bring about change. Nothing matters more to improving the educational opportunities of our students than finding and retaining high qualified teachers and principals. Ms. Brown is a life example of that. The draft bill takes important steps to ensure the effective distribution of effective teachers to high poverty and high minority schools, including closing the Title I comparability loophole and redesigning the formula grant in Title II, and we commend you for that.

Third, we are also very pleased with the new attention to high school completion in Title I. We commend you for the addition of a Graduation Promise Fund. For decades now, the U.S. on-time graduation rate has failed the top 70 percent. This is below national graduation rates recorded in the middle of the 20th Century and well below current graduation rates in other countries. Graduation rates for African Americans and Hispanic students are even more distressing, blaming from 50 to 55 percent. The Graduation Promise Fund will provide critical Federal resources to aid States in their efforts to keep a diverse range of students in school and on path to academic success. We urge you to distribute the fund dollars through a poverty formula that directs funds solely on the basis of the poverty level of the high school rather than its drop-out rate to ensure there is no incentive for keeping drop-out rates high in order to continue to receive funds.

Other provisions from the Graduation Promise Act are included in the discussion drafts as well, and we thank you for that and want to commend particularly Mr. Hinojosa for his leadership on this important issue. Finally, I encourage your support for the expanded learning time and redesign demonstration program. Included in the discussion draft of Title I is Part J. The center developed this proposal with our partner organization, Math 2020. And we thank Congressman Payne, Mr. Miller and Mr. McKeon for their support of this issue. Based on successful efforts in several leading charter schools and a growing number of traditional public schools we know that a comprehensive approach to school reform that adds time to school days and weeks to the school year can result in significant learning gains for disadvantaged youth. The demonstration program requires such a comprehensive approach and also contains a strong evaluation component. So, in closing, I urge the committee to move carefully but, as Jack said, to move by the end of the year to build on the momentum; and as the Chairman and Mr. Kildee noted, at the outset to fund the important efforts at the level they deserve. Thank you.

[The statement of Mr. Podesta follows:]

Prepared Statement of John Podesta, President and Chief Executive Officer, Center for American Progress

Chairman Miller, Congressman McKeon, and members of the Committee, thank you for inviting me to testify today. I am John Podesta, President and Chief Executive Officer of the Center for American Progress. I am also a Visiting Professor of Law at the Georgetown University Law Center.

I appreciate the opportunity to be with you today to comment on the Discussion Draft of the Reauthorization of the Elementary and Secondary Education Act. I commend you for your willingness to seek broad input on provisions to reauthorize the Elementary and Secondary Education Act of 1965 and to move forward in a trans-

parent and bipartisan fashion to enact a renewal of this major program to assist the nation's neediest students.

You are engaged in a tremendously difficult job. You have entered into numerous consultations and have had to contend with many contradictory recommendations from a wide variety of stakeholders. Yet you have put it all together in a sensible way. You no doubt will hear many complaints and hopefully a few constructive suggestions. This morning we will offer a few of own. You can decide in which category they fall. But in our judgment, the discussion draft has overall successfully balanced multiple points of view while maintaining a focus on the important goal of helping all students meet proficiency by 2013-14.

The challenge has been to make needed adjustments to the No Child Left Behind Act without sacrificing the contributions it has made to strengthening accountability for improved academic performance for all the nation's students and to significantly sharpening the focus on those students who have been historically the least well-served. As a nation we must ensure that all children—regardless of race, ethnicity, income, native language, disability or geographic location—are afforded access to high-quality schools that will enable them to participate in the promised opportunity of the American dream.

The Center for American Progress' specific priorities with regard to the reauthorization of ESEA include a combination of strong accountability measures and more incentives for states and school districts to break from their status quo and engage in deeper, more effective change efforts, many of which research has shown can be effective. My specific comments this morning are in four areas:

- Accountability for student results
- Improving the quality of teachers and principals
- Greater attention to high schools, particularly through the Graduation Promise Fund
- The expanded learning time demonstration program for which I first and foremost want to thank Congressman Payne for his leadership and sponsorship

The Center for American Progress is pleased that appropriate attention to several of our priority areas for improvement in our education system are in the discussion draft. I want to particularly note the following important items:

1. First, with regard to accountability, I have several comments. The discussion draft strikes a balance between strong accountability and the rightful call for increased flexibility. There are many important new provisions:

- The inclusion of a student growth measure as an option for states in their accountability systems
- The requirement that states build longitudinal data systems that track individual student performance over time and tie the results to individual teacher records
- Continued accountability for and assessment of English language learners and students with disabilities together with increased investments in developing appropriate tests for both groups
- The establishment of uniform and consistent requirements for the reporting and accountability of subgroups when determining annual yearly progress in student performance

The Center also supports the multiple measures of student performance as they are incorporated in the discussion draft. They appropriately focus on student academic experiences and outcomes. However, it is imperative that these measures not be broadened or loosened so that accountability for all students' achievement remains strong.

We have some concerns about the new local assessment pilot program that would allow up to 15 states to include "as part of the assessment system and in addition to state assessments * * * locally developed, classroom-embedded assessments" that "may be different across" districts and "may be used" to determine "adequate yearly progress." The draft says the local assessments are to be "in addition to state assessments" but does not clarify how the AYP process would work and whether the state assessment results would still be publicly reported at the various performance levels for each subgroup.

This local assessment provision is intended to encourage the development and use of richer assessments including essays and portfolios and it requires that the variety of assessments used be comparable. But these provisions may be hard to implement and could lead to unfortunate results of distinctly different assessments with lesser quality tests or lower student expectations in districts with significant concentrations of low-income and minority students and/or inadequate resources to develop good tests. We urge the Committee to proceed cautiously and offer the following recommendations to do so:

- Reduce the number of pilot states to 10 or less

• Add that the Secretary consider geographic diversity and the mix of urban and rural states in selecting states to participate in the pilot program

• Require pilot states to continue to report student performance levels on state assessments in addition to performance levels on locally developed assessments

2. Second are matters relating to improving the quality of teachers and principals.

Teachers are the backbone of high-quality public education. As I said to this Committee in my testimony in May 2007, strengthening the teacher workforce can lay the foundation for fruitful investments in other areas of public education. Research demonstrates that the single most important factor determining how much students learn is the quality of their teachers. Indeed, a very good teacher as opposed to a very bad one can make as much as one full year's difference in the achievement growth of students. In this discussion draft, you have taken important steps to improve the nation's teaching force.

• You have added to Title II a very important new Part A discretionary program for states to strengthen teacher effectiveness through use of extra pay for success with student achievement gains, introduction of career ladders, and support for performance assessments. In order to attract and retain highly effective teachers and principals, there is a great need for targeted investments like this to incentivize change in our public education system. We all need to acknowledge that job structure and financial rewards are important motivators for employees no matter what their profession.

Currently, too little attention is paid to creating the financial incentives necessary to recruit and retain a high-quality teacher workforce. We need to change that by raising starting salaries and by offering competitive and substantial compensation that recognizes and rewards different roles, responsibilities, and results. Compensation systems that recognize the value of our teacher workforce coupled with career advancement systems that more effectively reward good performance, draw effective educators to high-need schools and to teach in shortage subject areas, and respond to poor performance, including fairly and effectively removing ineffective educators, will make larger investments in teacher and principal salaries more politically viable and maximize the returns on such investments.

• In Part B of Title II you have redesigned the formula grants to direct funding to correct the inequitable distribution of effective teachers to high-poverty and high-minority schools and sharpened the focus on higher-quality professional development targeted to the most needy schools. Today low-income and minority students are about twice as likely to be assigned to inexperienced teachers who on average make far smaller annual learning gains than more experienced teachers. As a result, low-income, African American, and Latino children consistently get less than their fair share of good teachers. This must change, and your proposals provide a strong push to do that.

• In Title I the closure of the comparability loophole is also vitally important to ensure that high-poverty schools get their fair share of resources to hire and retain effective teachers and to undertake other important school improvement strategies. Under the existing loophole, teaching salaries were excluded from determinations of equity in expenditures in district schools from state and local funds before directing additional Title I funds to them. This results in the continuation of lesser resources going to schools with the greatest needs.

3. We are also very pleased with the new attention to high school completion in Title I.

• We commend you for the addition of a Graduation Promise Fund. It is well established that our students have fallen behind past generations of Americans and young people in other nations in terms of on-time high school completion rates. For decades now, the U.S. on-time graduation rate has failed to top 70 percent. This is below national graduation rates recorded in the middle of the 20th century and well below current graduation rates in other countries. The United States ranked first in the world in terms of secondary school graduation rates 40 years ago. Today it ranks 17th. For racial and ethnic minorities, the statistics are even grimmer. Graduation rates for African American and Hispanic students today range between 50 percent and 55 percent. Every year we lose more and more of these students in schools that are essentially "dropout factories." The Graduation Promise Fund will provide critical federal resources to aid states in their efforts to develop, implement, and expand proven methods for keeping a diverse range of students in school and on the path to economic success. We urge you to distribute the Fund dollars through a poverty formula that directs funds solely on the basis of the poverty level of a high school rather than its dropout rate to ensure that there is no incentive for keeping dropout rates high in order to continue to receive funds.

The Graduation Promise Fund is the major title of a proposal we and other groups made for a Graduation Promise Act. It had two additional titles and we are pleased

to see them included in the discussion draft as well. The discretionary state grant program to provide incentives for states to raise their graduation rates is in a redesigned Part H. Funds to support the development of comprehensive models for dropout prevention and recovery are included in the Graduation Promise Fund as a set-aside.

• We also applaud the requirement for consistent definitions of high school graduation rates and meaningful inclusion of these rates as part of Annual Yearly Progress measures. Without such a strong definition, too many high schools have been judged to make AYP in student performance while simultaneously having very high proportions of dropouts.

4. Finally, I want to address and encourage your support for the Expanded Learning Time and Redesign demonstration program that has been included in the discussion draft of Title I as Part J. The Center developed this proposal with our partner organization Massachusetts 2020 and thank Congressmen Donald Payne, George Miller, and Howard McKeon for their support of this issue.

The demonstration program will provide federal incentives to districts and states to expand learning time in low-performing, high-poverty schools to boost student performance, close achievement gaps, and expand enrichment opportunities. Based on successful efforts in several leading charter schools and a growing number of traditional schools, we know that a comprehensive approach to school reform that adds time to school days, weeks, and/or years can result in significant learning gains for disadvantaged youngsters. The demonstration program requires such a comprehensive approach that focuses on both core academics and enrichment, facilitates innovation, maintains rigor and accountability, builds partnerships with other local organizations, and provides teachers with additional professional development and planning opportunities. The demonstration program also contains a strong evaluation component that will measure its impact on student achievement and, if successful, make the case for expansion of such efforts with state and local investments.

In closing, upon refining this discussion draft I urge the Committee to move carefully but quickly into formal consideration of the reauthorization of ESEA. It is imperative that the law be reauthorized and signed into law before the end of 2007 to build on the momentum of this important bipartisan effort to improve educational opportunities for all students.

Chairman MILLER. Thank you very much.

Ms. Messina.

STATEMENT OF ANDREA MESSINA, COMMISSIONER, ASPEN INSTITUTE COMMISSION ON NO CHILD LEFT BEHIND

Ms. MESSINA. Thank you Chairman Miller, Representative McKeon, members of the committee, on behalf of the Commission on No Child Left Behind, I want to thank you sincerely for your efforts here today in gaining input. We recognize your leadership to improve the achievement of all students across this Nation, and it is greatly appreciated. The Commission on No Child Left Behind is a bipartisan organization. It was co-chaired by former Health and Human Services Secretary, former Governor of Wisconsin Tommy Thompson, and the former Governor of Georgia, Roy Barnes. Our other members were made up of members from all areas of education governance from K-12 to higher education. We also had civil rights leaders and business leaders. We represented a broad spectrum of opinions, positions and ideas, and we took our job very, very seriously. We spent over a year traveling the country. We had over 12 public hearings and round tables where we invited State officials and superintendents, teachers, parents, advocates, research experts and policymakers at all levels. We visited schools, and we talked to those people who are living this law every day. We talked to students. Back in February, we released 75 specific actionable items and were heartened to see that many of our recommendations appear in your draft, especially in the areas of

strengthened accountability, improved data capabilities, collection of teacher effectiveness data, improved State standards and improvements in the high school graduation rate accountability.

NCLB has been described as a blunt instrument that needs refining. We support provisions to improve AYP measures through the use of growth models, just as your draft proposes. But while some flexibility to innovate new models is important, we also believe it is important that your draft requires students to be on a trajectory for proficiency within 3 years to count for AYP. Any approach that credits simple movement forward can weaken the accountability structure. And students could make forward progress every year and never reach proficiency. We want to see a deadline for proficiency there. We believe that reading and math assessments are essential to determining proficiency in core subject areas and that all assessments need to be valid and reliable. All students across the State taking the same tests results in a concrete measure of progress. We can't back away from holding the same high expectations for all students paired with meaningful accountability for results.

Our concern is that multiple indicators should not be used in any way that would diminish the importance of achievement in reading and math. We appreciate the committee's recognition to do more for high school achievement and improved graduation rates. We hope that you will bring the same urgency to closing the graduation rate gaps as we currently see in closing the achievement gaps. We would like to see those gaps close by the year 2014. Also we are greatly encouraged that the committee is going to require and provide assistance to States in ensuring that they built sophisticated data systems that would more precisely measure student achievement gains. We recommend that the Federal investment be $400 million over 4 years partnering with States to ensure that the systems are sufficient to the tasks at hand.

Once you get that data, that information is going to give you the world. The most important factor in improving student achievement we all know is the teacher in the classroom. We see it in research after research. We see it in district after district. NCLB attempted to ensure there is a high quality teacher in every classroom, but qualifications alone don't tell us what we need to know. The teacher's ability to improve achievement, that is the information you need to know. We have got to change from the input of qualification to an output of effectiveness. Now, the same longitudinal data systems that you are going to have regarding student growth measurements is going to yield your data on teacher effectiveness. The information is going to be there, and we commend you for including a teacher identifier to make the data more powerful. This is done in other places. In fact, we do this in Florida to some degree. We use data to drive instruction and to drive teacher training. I taught high school for 8 years. I would like to think I was an effective teacher. But the truth is I don't know. There was no valid measurement that could tell me. There were some students who were successful. There were some students who weren't. The data was not available at the time. The thought that I could have some valid data to tell me how that I can better improve my skills and delivery to the students in the classroom, I can't begin

to tell you how helpful that would have been for me as an educator and how much time would have been wasted me trying different things.

Teachers usually used to rely on a bag of tricks. If a student had difficulty learning, they would pull out something from their bag of tricks and throw it at the student. If it stuck, great. If it didn't, we would go back to our bag of tricks and try something else until something finally stuck. With the new data-driven instruction delivery methods and with scientific data, we now can test the students with all sorts of assessments, identify exactly what that student needs and deliver targeted instruction.

I am simply asking that you take the same premise and apply it to the teachers in the classroom. Use the teacher effectiveness data, identify which teachers need help and in what areas and give those teachers the help that they need through targeted professional development. It just makes sense, and only the students can benefit. Experience has shown us that NCLB has been successful in identifying struggling schools but not so successful in turning those schools around. Education is the foundation of this Nation's economy, but your Federal and State education budgets simply don't devote enough money of their budget to research and development. They don't even compare when you look at private and other public organizations. The commission recommends boosting the research and development on school improvement. We want you to double the research on elementary schools and secondary schools at the USDOE. Aim these funds towards research to assist the schools in turning around and in meeting the goals of No Child Left Behind. Committee members, you have a great charge ahead of you. The future of America's young people. Our most vulnerable young people is depending on you. I wish you much good luck and success.

[The statement of Ms. Messina follows:]

Prepared Statement of Andrea Messina, Commissioner, Aspen Institute Commission on No Child Left Behind

Mr. Chairman and Members of the Committee, on behalf of the Commission on No Child Left Behind, I want to thank you for the opportunity to testify before you this morning. We appreciate your leadership in working to improve the educational achievement of all students. We also appreciate the Committee's efforts in producing a discussion draft for public comment and your willingness to have an open process to generate a quality product for the reauthorization of No Child Left Behind (NCLB).

Our Commission was charged with conducting an analysis of the law and its implementation and developing recommendations for improvements that would accelerate achievement for all children and close persistent achievement gaps. The Commission is a bipartisan organization Co-Chaired by former U.S. Secretary of Health and Human Services and Wisconsin Governor Tommy Thompson and Former Georgia Governor Roy Barnes. Our members include representatives from all levels of K—12 education governance, higher education as well as civil rights and business leaders.

We took our charge seriously. We researched. We listened. And we learned. Commissioners spent more than a 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. We also visited schools and talked with principals, teachers and students about their experiences with NCLB. For more information on Commission activities or to access our full report, please visit *www.nclbcommission.org*.

We are heartened to see that a number of our recommendations for strengthened accountability, improved data capabilities, collection of teacher classroom effectiveness data, improved state standards and some improvements in high school graduation accountability are included in the initial draft. We hope to work with the Committee and our colleagues to build on this foundation to strengthen the law and to address our concerns about parts of your working draft.

Improved Accountability

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, teachers, advocates and parents, the Commission heard strong support for holding schools accountable for the performance of all of their students.

However, many of those we heard from characterized NCLB's current adequate yearly progress (AYP) requirement as a "blunt instrument" that needed to be refined. Current law is a pass / fail standard that often does not properly credit schools that are making significant progress with kids who have further to go in reaching proficiency. We support the provisions in the Committee's draft to improve AYP measures by incorporating growth models capable of tracking individual student progress from year to year. While we agree that it is important to allow states the flexibility to innovate as new models are developed, we think it is very important that the draft requires that students must be on a trajectory to reach proficiency within three years to be counted as achieving AYP and that all subgroups must be on track to proficiency by 2014. This distinction is important because an approach that credits any forward movement as sufficient growth or consigns large numbers of students to perpetual second tier performance status would significantly weaken NCLB accountability.

NCLB currently requires states to begin testing in science during this 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 AYP accountability purposes.

The Commission supports the provision in the draft that requires states to limit subgroup sizes to no more than 30 students. We believe this is critical to assuring that millions of kids do not continue to be invisible in state accountability systems. The Commission also supports the provision limiting confidence intervals to 95% while also prohibiting their use in measuring student growth.

The Commission agrees with the provision of draft that would allow states to test up to 1 percent of students with disabilities (those with severe cognitive disabilities) to be assessed against alternate achievement standards using alternate assessments. However, there is not a sufficient research basis for allowing an additional 2 percent of students with disabilities to be assessed against "modified academic achievement standards" as contained in the Committee draft. The Commission recommends that no more than an additional 1 percent of students with disabilities be allowed to be assessed against modified standards.

States currently receive an annual appropriation of nearly $400 million for the creation of standards and tests—now complete. The Commission commends provisions in the draft requiring the development of appropriate assessments for English language learners and students with disabilities. We recommend continuing and retasking this appropriation for states to develop those assessments as well as to improve the quality and alignment of assessments for all students and upgrade the technology for improving the delivery and scoring of tests to more efficiently get information to administrators, principals and teachers who must make accountability and instructional decisions and to parents students who may be eligible for additional help such as free tutoring.

Multiple Indicators

NCLB currently allows states to use indicators in addition to reading and math assessments to inform educational decision making. The Committee draft, however, proposes to allow states to incorporate the use of multiple indicators that allow states to use other measures to, in effect, excuse a lack of progress in improving achievement in reading and math as measured on state test scores. The Commission does not believe that any additional indicator should be used in a way that diminishes these measures of progress in core subjects.

The Committee draft also proposes a 15 state pilot project that would allow the use of locally developed assessments for Adequate Yearly Progress (AYP) determinations. The Commission believes that this approach is an invitation for mischief and

would be very likely to undercut NCLB's purpose of ensuring that all students and schools are being held to the same high expectations.

NCLB was created to ensure that all children become proficient in core subjects based on academic standards set by states. Valid and reliable assessments, taken by all students across the state, represent concrete measures of how well students are progressing toward the expectations contained in those standards.

We have a responsibility as a nation to take bold steps to accelerate progress in closing achievement gaps that still plague our schools and to ensure that all children are prepared for successful and productive lives after high school. While significant improvements must be made to NCLB to achieve that goal, we cannot afford to back away from our insistence on holding the same high expectations for all children paired with meaningful accountability for results based on objective measures of progress.

High School Accountability

The Commission appreciates the Committee's recognition that we must do more to ensure continuous achievement and improve graduation rates of high school students.

Under current law, high schools can be credited with making sufficient progress on graduation rates even though racial and ethnic minorities graduate at significantly lower rates than white students. This masks a serious problem from public view. We must bring the same urgency that we have brought to closing achievement gaps to closing graduation rate gaps. The Commission appreciates that the draft addresses the need to hold schools accountable for all students by requiring that graduation rates be reported by subgroups. However, the Commission would also recommend that schools be held accountable for closing those gaps by 2014. The Commission has also endorsed the National Governors Association Compact—which was approved by the governors of all 50 states—to bring order and uniformity to graduation rate reporting and allow comparisons across states.

While NCLB requires annual assessments in grades 3 through 8, it requires assessments to be administered only once in high school. Thus we have no way to know whether schools continue to hold high expectations for students after 10th or 11th grade and whether students continue to actually achieve to expected levels. We recommend that the Committee take an additional step by 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 and for determining teacher effectiveness. These assessments however, should be used for school accountability only and not as the sole determinant of whether a student receives a diploma.

Building Adequate Data Systems

We are also encouraged that the Committee is going to require and provide assistance to states in assuring that they build data systems that more precisely measure student achievement gains. The Commission recommends a federal investment of $400 million over four years in partnership with the states to assure that systems are sufficient to the task of supporting an improved NCLB.

Teacher Effectiveness

There is widespread agreement that teaching is the most important in-school factor in improving student achievement. The difference effective teachers make, especially for disadvantaged children, is well documented in numerous studies and we see it in district after district across the country. Unfortunately, too many students, particularly low income students and students of color, remain in classrooms in which ineffective teaching fails to produce sufficient learning gains. Though, there are many committed and able teachers working in high poverty schools, low income students and students of color continue to be significantly more likely than their peers to be taught by the least effective teachers.

NCLB attempted to ensure that all students were taught by highly qualified teachers. But research has demonstrated that qualifications alone tell very little about a teacher's ability to improve student achievement in the classroom. Attaining the goals of the law—providing all students with access to capable teachers who can produce substantial learning gains—requires a new approach focused on effectiveness in improving student achievement rather than on qualifications for entering the profession.

We commend the Committee's recognition of the opportunity created by implementing more sophisticated systems for tracking student performance that include an individual teacher identifier. The same longitudinal data systems necessary for

the measurement of student growth from year to year also yield data on teacher effectiveness in the classroom. This creates an unprecedented opportunity to measure the effectiveness of individual teachers in improving student achievement in a way that is fair to teachers, because progress measures are based on student growth over the course of a school year rather than on reaching an absolute proficiency standard. The Commission has attached letters that we sent to Chairman Miller and Ranking Member McKeon urging the Congress to seize this opportunity. The Commission joined colleagues from the Center for American Progress Action Fund, Citizen's Commission on Civil Rights, National Council of La Raza, The Education Trust and the Mexican American Legal Defense Fund in signing the letters.

The Commission believes that a reauthorized NCLB must require states, districts and schools using growth models in measuring AYP to also measure teacher effectiveness based on improvements in student achievement and to use that information to better support teachers in improving academic performance. This data should be used to better identify professional development needs in schools and for tailoring professional development opportunities to meet teacher's needs.

Far too many teachers are subjected to ineffective and unfocused professional development that wastes their time and does not help them improve their classroom practices. Collecting and using this data over time will also make it possible to evaluate the effectiveness of various approaches to professional development—a federal investment of over $3 billion annually—in helping teachers improve student performance.

Teacher classroom effectiveness data should also be used as the basis to assure that poor and disadvantaged students have the same access as their more advantaged peers to effective teachers who have proven their ability to improve student achievement—not just equally high paid teachers.

This data can also be used as a fair and objective basis for other innovative reforms being pursued in the states and under consideration by the Committee, such as performance pay. The Commission has recommended that districts—particularly those that struggle with high rates of teacher turnover—explore options such as bonus pay to attract the most effective teachers and those teaching in hard to staff subject areas, mentoring new teachers, recruiting individuals from non-traditional routes into the profession and conducting independent audits of working conditions and developing plans for how they will improve them.

Standards

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 in comparison to 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.

We appreciate that the Committee has recognized this problem and has taken some initial steps toward addressing it in the draft. The Commission agrees that states should review their standards in collaboration with their business and higher education communities. Colleges and businesses are acutely aware of what is necessary to succeed and should play a significant role in making sure that schools expect no less. While some states, such as those working in partnership with Achieve, (an organization dedicated to improving the rigor and clarity of state standards and assessments), 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 also agree with the Committee's call for the creation of a common scale for making comparisons across states.

However, we do not believe that these steps alone are enough. We also recommend the creation of model national standards and assessments 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 model national standards and assessments as their own for NCLB accountability purposes

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

Student Options and School Improvement

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 for two or more consecutive years, 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 benefit from options such as public school choice and free tutoring. Nationally, less than 1 percent of eligible children have been able to exercise their public school choice option and less than 17 percent of eligible children have been able to access 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 them avenues to success such as a better school environment or additional help in reading or math.

The Commission has made a number of recommendations for assuring that all eligible students are able to access free tutoring services. We do not support the approach taken in the draft that would reduce the amount of funds available for these options and allow schools identified for improvement the option of whether to make public school choice and free tutoring available. We must continue to ensure that there is an academic bottom line on behalf of children that provides immediate help to students as we work to improve school performance.

With regard to public school choice, the Commission recommends that districts be required to conduct an annual audit of available space for choice transfers. This will be important to ensuring that we are maximizing the use of available spaces and for determining whether the current system can keep NCLB's promise to provide immediate options and help for students stuck in chronically struggling schools.

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. The Commission agrees with the principle in the Committee draft of directing more intensive attention to schools with the most significant struggles. We have recommended that districts be allowed to focus their restructuring efforts on the lowest performing 10 percent of their schools as long as those schools undertake one or more of the most aggressive restructuring options, such as converting to a charter or operation by a private provider, replacing school staff relevant to the failure and state takeover. Like the Committee draft, the Commission would recommend that this be a rolling 10 percent with new schools moving into the process as others cycle out. However, the Commission believes that it is critically important that other schools at various stages of the improvement process continue to provide choice and tutoring options to students as well as pursuing a comprehensive set of interventions designed to have a systemic impact on instruction and learning in the school.

Although education is a foundational element of our nation's economy and competitiveness, federal and state education budgets devote a far lower proportion of dollars to research and development (R&D) than private companies or other public agencies. The Commission 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 this is an important first step and 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, knowledge and targeted, relevant professional development to increase student achievement, especially in struggling schools.

Conclusion

We commend the Committee for taking some steps in the right direction to strengthen the law such as requiring longitudinal data systems that produce more precise measures of student progress as well as producing data on teacher effectiveness in the classroom. We urge you to seize the opportunity this creates to use that data to better target professional development and other support to teachers and as a basis to assure that disadvantaged students have the same access as their more advantaged peers to teachers who have proven their ability to improve achievement. We also urge you to go further to ensure that our children are sufficiently challenged in all subjects—all the way through high school—that are important to their future success by creating a strong mechanism for improving the rigor of state standards and assessments. Finally, we must make sure that high-quality options such as public school choice and free tutoring are available and easily accessible for

all eligible children as we work to become as effective in improving performance in struggling schools as we are at identifying them.

Thank you.

August 29, 2007.

Hon. GEORGE MILLER, *Chairman,*
Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: There is widespread agreement that teaching is the most important in-school factor in student success. All of our nation's students deserve instruction that helps them advance their learning. Unfortunately, too many children languish in classrooms in which the teaching fails to result in strong learning gains. Additionally, too many teachers are subjected to ineffective and unfocused professional development that wastes their time and does not help them improve their classroom practices.

Low income students and students of color—the very students who most need strong teachers—are still significantly more likely than their peers to be taught by the weakest teachers. To be clear, there are many very committed and effective teachers working in high poverty and high minority schools. However, we all know the schools with the stiffest teaching and learning challenges get less than their fair share of the most able teachers.

Congress has the opportunity to turn the tide. In the coming reauthorization of No Child Left Behind (NCLB), we urge Congress to seize the opportunity to dramatically upgrade the quality and effectiveness of teaching in our most challenged schools by: 1) better identifying the professional development needs in these schools and tailoring professional development opportunities to more accurately meet teacher needs and 2) providing strong incentives to get the best and the brightest teachers to the schools and students that most need them.

We believe that the reauthorized NCLB must include provisions to require states, districts and schools using a growth model to measure Adequate Yearly Progress to measure teacher effectiveness based on improvements in student achievement and to use that information to better support teachers in improving academic performance.

Measuring teacher effectiveness is not only critical to ensuring that all students achieve, it is also cost-effective and workable. The same data systems necessary to support growth models in determining adequate yearly progress (AYP) in student achievement can be used to measure teacher effectiveness. This information can also be used to target limited professional development funds more productively and provide a meaningful basis for assuring that disadvantaged children have the same opportunity to receive effective classroom instruction as their more advantaged peers.

We urge Congress to require that every state that implements a growth model to measure student progress also be required to calculate growth by classroom, report that information and use it—in combination with principal and or peer observation—to prioritize professional development and to ensure that poor and disadvantaged students have the same access to effective teachers as their more advantaged peers.

Sincerely,

GARY HUGGINS, *Director,*
Commission on No Child Left Behind.

AMY WILKINS, *Vice President,*
The Education Trust.

WILLIAM L. TAYLOR, *Chairman,*
Citizen's Commission on Civil Rights.

DELIA POMPA, *Vice President,*
National Council of La Raza.

PETER ZAMORA, *Washington, DC Regional Counsel,*
Mexican American Legal Defense Fund.

CYNTHIA G. BROWN, *Director of Education Policy,*
Center for American Progress Action Fund.

August 29, 2007.

Hon. HOWARD P. "BUCK" MCKEON, *Ranking Republican Member,*
Committee on Education and Labor, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCKEON: There is widespread agreement that teaching is the most important in-school factor in student success. All of our nation's students deserve instruction that helps them advance their learning. Unfortunately, too many children languish in classrooms in which the teaching fails to result in strong learning gains. Additionally, too many teachers are subjected to ineffective and unfocused professional development that wastes their time and does not help them improve their classroom practices.

Low income students and students of color—the very students who most need strong teachers—are still significantly more likely than their peers to be taught by the weakest teachers. To be clear, there are many very committed and effective teachers working in high poverty and high minority schools. However, we all know the schools with the stiffest teaching and learning challenges get less than their fair share of the most able teachers.

Congress has the opportunity to turn the tide. In the coming reauthorization of No Child Left Behind (NCLB), we urge Congress to seize the opportunity to dramatically upgrade the quality and effectiveness of teaching in our most challenged schools by: 1) better identifying the professional development needs in these schools and tailoring professional development opportunities to more accurately meet teacher needs and 2) providing strong incentives to get the best and the brightest teachers to the schools and students that most need them.

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CYNTHIA G. BROWN, *Director of Education Policy,*
Center for American Progress Action Fund.

Chairman MILLER. Thank you. We have a lot of good wishes for good luck around this town.

Ms. MESSINA. You are going to need it.

Chairman MILLER. Mr. Carey.

STATEMENT OF KEVIN CAREY, RESEARCH AND POLICY MANAGER, EDUCATION SECTOR

Mr. CAREY. Thank you, Chairman Miller, Ranking Member McKeon, members of the committee for the opportunity to testify today. The single most important thing that the discussion draft that you put forth does is recognize the central value of teachers to education. And there was actually a time when we didn't realize how important teachers were. We thought that it was students' home lives or their IQ or the design of their school that made all the difference when it came to how much they learned in the classroom. But what we know now from research is that that is not true. In fact, there are really three things that I think drive a lot of the policy that you have put forward in this draft.

First, we know that the quality of an individual teacher in the classroom makes a huge difference in how much students learn, even after you take into account where they come from and all the things that happen outside of school. Second, we know that all teachers aren't the same. Some are much more effective than others in helping students learn. And third, we know that disadvantaged students who are the very students that the Elementary and Secondary Education Act was written to help and protect over 40 years ago consistently get the least experience, least qualified and least effective teachers. The draft that you put forth does many things to right this terrible inequity, and for that you are to be commended. Just to name a few of them, you have improved the comparability provisions that guarantee that schools that receive Title I funds first have to receive an equal share of State and local funds. You have required that student information be linked to teacher information in your data system so we know who is teaching whom. You have required States receiving Title II teacher quality funds to live up to their obligation, which is actually in the current version of No Child Left Behind, to determine whether poor minority students are being disproportionately taught by teachers who are inexperienced throughout a field to have a plan. And if they are—and in most States, we know I think most of them are—to have a plan to improve it and to implement that plan. That that is the requirement, if you are going to receive funds from the Federal Government focus on teacher quality. You closed loopholes in the highly qualified teacher provisions, and you have invested new resources to help States that have innovative plans to recruit the best and the brightest into the classroom and then reward them if they are willing to do the hardest job and if they are successful. Some of these provisions will be controversial, we know, but they are the right thing to do, and you are to be commended for putting them forth today. It is also very clear that in looking at the accountability provisions of No Child Left Behind, that this committee has listened to the voices of educators, researchers and advocates who have suggested ways to improve the law. And no one should be surprised that the law needs improvement. Legislation is an iterative process by definition, and years of experience give us new ways to do even better. For example, and some of the panelists have mentioned this already, by allowing States to measure the year-to-year growth of individual students for accountability purposes. But also by requiring that students be on a trajectory to

get towards proficiency within 3 years, I believe you have struck the right balance between listening to valid critiques of No Child Left Behind, but also maintaining its core commitment to making sure that all students have access to high standards regardless of race, income, language or disability. But there is a danger here that I would warn you of that in trying to address every criticism of No Child Left Behind that you will undermine its core principles. And I think there are really two dangers.

There is an essential trade-off I think between the complexity of the bill that you put forth and its transparency and its integrity in the long run. And from a transparency standpoint the whole premise of accountability and standards is that we identify a problem, and then we try to fix it. But that requires that not only bureaucrats in the State Department of Education understand the problem, but that the teachers in the schools, the school principals understand it also. If we make the law so complicated that people can't understand why a given school is labeled as a failure or a success, it is going to be very hard for them to figure out how to fix it. And so as we start to look at new senses of nuance and complications and new way to measures and new systems there is a danger that we are going to lose that transparency. So I would encourage you to be as clear and precise and limited as possible in adding new measures to the accountability system.

The other danger is the integrity of the system will be undermined. I commend the committee in its draft for putting forth—closing loopholes regarding subgroup sizes and confidence intervals, some of the statistical games that have been played.

It is worth noting that the Congress didn't put those things into No Child Left Behind; they were invented by State departments of education. There has been, unfortunately, a pattern over the last 5 years where some States, not all, have pushed the letter of the law to undermine its spirit, by looking for nuances and complexities in the legislation to find ways to undermine its intent, which is to put fair but meaningful pressure on schools to improve. So I would encourage you, again, to be careful in the local assessment project that has been mentioned, keep the law clear, make it more nuanced, but also make it work in the long run.

So, again, I thank the committee for the opportunity to testify today and congratulate you on your draft.

[The statement of Mr. Carey follows:]

Prepared Statement of Kevin Carey, Policy Manager, Education Sector

Chairman Miller, ranking member McKeon, members of the committee, thank you for the opportunity to testify today. My name is Kevin Carey; I am the research and policy manager of Education Sector, a national, independent nonpartisan education think tank. Because Education Sector does not take institutional positions on issues or proposed legislation, the views I express today are my own.

For the past two decades, Democrats and Republicans alike have pursued a goal that transcends party affiliation: ensuring that all students—regardless of race, economic background, disability or language—have equal access to a high-quality education that will prepare them for work and life. The discussion draft amendments to the No Child Left Behind Act recently put forth by this committee clearly seek to further that goal, and for this the committee should be commended.

The draft also seeks to address many of the criticisms that rightly have been leveled against No Child Left Behind since its enactment over five years ago. Policymaking is by nature an iterative process and no one should be surprised that the experience of implementing No Child Left Behind has revealed new opportunities

to make the law more effective and fair. The committee should again be commended for carefully listening to the voices of parents, educators, researchers, and advocates who have recommended ways to improve the law.

Some proposed changes are particularly worthy of mention.

By improving the "comparability" provisions guaranteeing that schools receiving Title I funds must first receive an equal share of state and local funds, the draft takes a very important step toward ensuring that low-income students receive their fair share of school resources. Research from the Center on Reinventing Public Education has shown that in some school districts, high-poverty schools receive nearly a million dollars less per year than low-poverty schools of similar size. This provision alone will go a long way toward ensuring that low-income students are not forced to attend schools that serve as a revolving door for inexperienced, under-paid teachers.

Similarly, by making Title II funding contingent on states taking steps to ensure that poor and minority students get their fair share of experienced, qualified, effective teachers, the committee is taking a bold but necessary step to ensure real educational equity for disadvantaged children. Research has shown that the quality of classroom teaching has a huge impact on student learning, particularly for at-risk children. But studies also show those same students are much less likely than others to be taught by the best instructors. It is a long-accepted principle that all children deserve equal access to education funding. These proposed amendments simply extend that resource-equity principle to the single most valuable resource schools have: their teachers.

And by eliminating the so-called High Objective Uniform State Standard of Evaluation (HOUSSE) exception to the guarantee that all students be taught by a highly-qualified teacher, the draft closes a loophole that many states have used to avoid addressing the fact that many students—disproportionately low-income and minority students—are taught by teachers without sufficient training or content knowledge in their field.

The Title II amendments also reflect the need to improve the overall quality of the nation's education workforce. We have a major human capital problem in education; without high-quality personnel who are properly supported, even the best-laid plans and accountability systems will fall short. Some of the committee's recommendations, particularly relating to teacher pay, are bound to be controversial. But they are also important and long overdue. We cannot recruit the best and brightest into the classroom and expect them to excel and persist once they get there without taking every opportunity to recognize and reward excellence in education. By investing new resources in innovative programs designed to increase teaching excellence, the federal government can help leverage change throughout public education.

In no small part because of the law's emphasis on data and the important work of states and organizations like the Data Quality Campaign, states are now in a much better position to collect and use data than when NCLB was first enacted. By supporting the development of longitudinal education data systems—including, crucially, the ability to link student data to teacher data—the committee will help further that progress and build the capacity of states to develop new information tools for schools and educators. The better we understand our schools, the better we are able to improve them.

One of the most promising applications of these new data systems is the ability to measure the academic growth of individual students. By allowing states to use year-to-year student growth for accountability purposes, but also requiring that students be on a three-year trajectory toward proficiency, the committee has struck the right balance between addressing valid criticisms of NCLB's accountability requirements while maintaining the law's core commitment to common performance standards for all students regardless of race or income. Similarly, the use of a "performance index" can give states an incentive to focus on students across the achievement spectrum—as long as success at the high end doesn't unduly divert resources from students who struggle the most.

By giving states incentives to adopt more rigorous, nationally and internationally benchmarked achievement standards, and by calling for new investments in the quality of state tests, the committee will strengthen the standards and assessment foundation on which the entire accountability enterprise rests. By creating a "Graduation Promise Fund" and requiring more stringent accountability requirements for high school completion, the committee will push schools to improve the appallingly low graduation rates that plague our secondary schools.

By allowing schools to consider college-going rates in judging high school success, the committee will help bridge the great divide between the nation's systems of P-12 and higher education. This provision could be expanded further still. As a recent

Education Sector report titled Reality Check: Tracking Graduates Beyond High School shows, states like Oklahoma and Florida have used longitudinal data systems to create new measures of high school success, such as the average college grade point average of a high school's graduates, the percent of graduates forced to take remedial courses in college, and the percent who obtain a good-paying job. If, as we all agree, the goal of high school is to prepare students to succeed in the workplace and further education, it's fair to take into account whether students actually do succeed in those areas when judging high school success. By allowing these measures to be incorporated into NCLB, leading states would be rewarded for innovation, while others would have an incentive to invest in their information infrastructure.

The draft also limits the ability of states to use various statistical loopholes to reduce pressure on local schools and districts to improve. By disallowing the exclusion of sub-groups of students larger than 30, and by limiting statistical "confidence intervals" to the 95-percent level, the draft improves the law's focus on closing achievement gaps for disadvantaged students, and helps ensure that when targets are set for school improvement, schools actually have to meet them.

There are also areas where I believe this draft can be significantly improved to ensure that the law is clear, transparent, and focused on helping the students who need help the most.

By adding options like growth models, the committee recognizes that accountability systems need to account for the nuance and complexity inherent in an enterprise like public schooling. But complexity comes at a potentially high cost to both the integrity and transparency of the accountability system. Indeed, striking a balance between complexity, integrity, and transparency is probably the single most difficult task the committee faces. There is a danger that in seeking to address every criticism of NCLB, the committee will make the law's accountability provisions so complex that many new opportunities will emerge to exploit the law's intricacies to undermine its core principles. There is also a risk that the law will become so inscrutable that it will cease to function as an effective engine of change.

As you know, the subgroup size and confidence interval loopholes closed by the discussion draft weren't originally part of NCLB. They were invented by state departments of education. A clear pattern has emerged during NCLB's implementation: some states—not all, but some—have exploited their flexibility under the law to undermine the law's fundamental principles. I was a state education official before moving to Washington, D.C., and I believe many of these actions are born of good intentions—ensuring that hard-working educators aren't unfairly tarred as low-performing.

But by opening a series of statistical safety valves in the AYP system, and by looking for every opportunity to push back the day when underperforming schools are required to do what must be done on behalf of disadvantaged students, these states have greatly undermined the law's effectiveness. As of today, some states have still identified less than one percent of their school districts as "in need of improvement," an amount that defies both the intent of Congress and plain common sense. As a recent Education Sector report called Hot Air: How States Inflate Their Progress Under NCLB shows, this unfortunate trend of stretching the letter of the law to subvert its spirit extends to many other NCLB provisions, including those governing teacher qualifications, graduation rates, and school safety.

States truly are, in the words of Supreme Court Justice Louis Brandeis, "laboratories of democracy"—but too often that creativity and energy has been used to develop new ways to ease pressure on schools to improve, rather than to find new ways to help them improve. And the U.S. Department of Education's oversight in this area has been inconsistent at best. There is no reason to believe these patterns won't continue with the next version of No Child Left Behind. Therefore, the committee should make new accountability options as clear, precise, and limited as possible.

Too much complexity can also undermine the process of school improvement itself. The idea behind standards and accountability is simple: Identify a problem, then focus resources and attention on fixing the problem. But when we pile system upon system and measure upon measure, it becomes difficult—if not impossible—for parents and educators to know why a given school is labeled a success or a failure. This will breed mistrust of the entire system. And if educators don't know why they're falling short, it will be very difficult for them to determine how to improve.

For these reasons, the committee should limit multiple measures to a small number of reliable, high-quality assessments that are accessible to all students statewide, and ensure that performance goals in these areas are high. It should also limit the extent to which success on these indicators can mitigate failure in the foundational subjects of reading and math. The percent of a school's annual measur-

able objective attributable to measures other than reading and math achievement should not be increased from the levels established in the discussion draft. This will balance the laudable goal of avoiding "curriculum narrowing" with the need to ensure that all students are proficient in the core subjects on which success in all other areas depends.

The proposed local assessment pilot project deserves particular attention. I commend the committee for working to forge a greater connection between the local educators who work directly with children and the process by which those educators are judged. Unless teachers believe assessment is reliable, accurate, and fair, accountability will never work as intended.

But purely local accountability is ultimately indistinguishable from no accountability at all. Everyone works better when they know someone else is paying attention to how well they work. It's unreasonable to expect schools to judge themselves objectively when the consequences of that judgment can be significant. Local assessments thus have the potential to undermine NCLB's core promise of equal education standards for all, perhaps the most important civil rights goal of our time.

For these reasons, I recommend that the committee reduce the number of states eligible for the local assessment pilot project from 15 to five, and that the committee ensure that data from state assessments continue to constitute the majority of information used in determining adequate yearly progress.

In creating a new distinction between "High Priority" and "Priority" schools, the draft sensibly focuses scarce resources and attention on the schools in greatest need of help. But because the distinction between the two levels is primarily a function of the number of student subgroups who miss academic goals, there is a danger that significant, persistent achievement gaps for disadvantaged students will be allowed to endure. I recommend that the committee maintain the two levels of "High Priority" and "Priority" schools, but also ensure that a school cannot be identified at the less-severe "Priority" level if large achievement gaps persist for a student subgroup that constitutes a significant percentage of the school population—even if only one subgroup is falling behind. I also recommend eliminating the proposed "alternative process" for identifying "High Priority" schools; such a process will create needless complexity and opens up new avenues to circumvent the law's goals.

For any accountability system to work for English language learners, states and districts must be able to do three things: accurately identify ELL students, provide quality instruction for language proficiency and academic content, and administer appropriate assessments that reliably measure the effects of this instruction. States are struggling with all three. The proposal to provide additional resources and attention to state capacity-building for the development of quality instructional practices for ELLs and the development of appropriate and valid assessments is important. And in extending the timeframe for using native-language tests to assess ELLs, the committee recognized that to accurately measure the academic knowledge and achievement of these students, we must use tests those students can read and comprehend.

However, requiring states to develop native-language tests for every language that represents 10 percent or more of the state's ELL population is onerous and, absent native instruction, will not ensure more accurate measurement of learning for a significant portion of the ELL population. The main priority should be investing new resources in developing psychometrically reliable and valid ELL assessments. States and districts do not currently have the expertise and capacity to do so without additional support. And as an Education Sector report titled Margins of Error: The Testing Industry in the No Child Left Behind Era has shown, the testing industry is currently hard-pressed to meet this and many other assessment challenges. The committee was also correct in requiring the improvement of state data collection on ELLs. As it stands, states and districts are simply not collecting reliable data on this population, nor are they collecting data in the same way. Without good information, we cannot expect any true measure of accountability for these children.

When Congress passed the No Child Left Behind Act almost six years ago, it renewed the historic promise of the Elementary and Secondary Education Act to give disadvantaged students a fighting chance to succeed in a society and world at large that increasingly values education above all else. It also enacted a number of bold but necessary reforms. These actions have been controversial, to say the least. But they were the right thing to do.

The first priority of this committee should be to further strengthen that commitment to educational equity while embracing a new set of needed reforms for the years to come. This draft is a positive step in that direction, and my colleagues at Education Sector and I look forward to being of assistance in making it stronger still.

Chairman MILLER. Thank you very much.

Thank you again to all of you for your testimony. As I stated at the outset, this is intended to be more of a listening session than the traditional back and forth of the Congress, but I want to be sure that every member who has any questions or things they want to clarify is free to ask whatever questions you want. That doesn't mean we need all questions from every member, but on the points or the concerns that have been raised, on the top row, anyone?

Mr. Scott?

Mr. SCOTT. Thank you. I want to ask Mr. Podesta, on the dropout rate, we have a provision in there, if you have a high dropout rate, you don't make AYP. Is that not enough of an incentive? And, Mr. Chairman, let me just pose the question because we are getting answers, and we will never give members the opportunity——

Chairman MILLER. Mr. Podesta is very concise.

Mr. SCOTT. Whether or not that is enough of an incentive; if not, we need to discuss that.

Ms. Messina, if we have the data on the teacher level and require the principals to use that, whether or not that would solve the problem that you have addressed on making sure each teacher can do his or her particular job?

Chairman MILLER. Mr. Payne?

Mr. PAYNE. Just quickly, Ms. Brown, being a former teacher, I wonder whether as you saw and noticed the improvement in the students' achievement, although they may have been moving on to other grades, did you find any difference in the attitude of the parents? Did they seem to catch on and feel that this is a kind of a winning thing or someone cares or that kind of thing?

As we know, in low-income areas, people are beaten down, they are tired, things are going wrong, they are not making it; and so you don't have the spirit that you have in places where people are not so beaten down. I am wondering if you noticed any change in the esprit de corps of the people.

Ms. BROWN. Yes, parents, along with staff, are very encouraging. They send students to school knowing that they are sending the students to highly qualified, highly skilled teachers; and although they may not able to do what is necessary at the home, they are assured that we are doing everything possible at school to assure that their children—the learning gap is being bridged.

It doesn't matter. They don't have to take the kids to another district; everything they need is right here. I think they are satisfied and very pleased with what we have been doing so far.

Chairman MILLER. Thank you.

Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Mr. Chairman.

Chairman MILLER. I am sorry, let me go to the other side, are there any questions?

Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Mr. Chairman. I want to compliment each one of the panelists, because you make some very good points, and I am going to limit my remarks to the first lady, Germaine Brown, in that I was impressed that 90 percent of your students are on the free lunch program and I think that you have killed that

myth that children from low-income families cannot learn and that you all have made so much improvement in 2 or 3 years.

So that leads me to a point that Mr. Podesta made in his remarks, and that was that we should look very closely at Graduation Promise Act if we are going to address the poor graduation rate that we have of 75 percent for about 30 years, and Hispanic and African American children only graduating at about 50 percent.

But you said something that is being used in a few schools in my district, similar to yours, Ms. Brown; and they are 80 percent Hispanic, very many from migrant families, seasonal farm workers. This is a magnet school for allied health and another magnet school for math and science and they went to a slightly longer day of 1½ hours per day. Number 2, they just couldn't get the permission from Texas Education Agency to add 3 or 4, maybe 6, 7 more days of school to the calendar.

I think that should certainly be discussed because we are getting exceptional results in these schools in South Texas ISD. Two of them are in the top 100 best schools in the country, and they have a very rigorous academic program and the other factors that I pointed out.

So I just would like for you to consider that, Mr. Chairman.

Chairman MILLER. Thank you.

Anyone else on the top row?

Mr. Tierney.

Mr. TIERNEY. This is tough trying to keep it to one, I will tell you that. I will try to sneak in two.

Jack, I will ask you, on the assessments, do you think that this draft bill does enough to resolve the disparity in State standards by simply having a pilot program in a National Academy of Science study, or ought we do more at this point in time about people having to tie those tests to some national standard or at least to a regional standard?

The second question, are we being fair to young students at the third grade testing level to give them a high-stakes test on lessons until schools giving that test have done more for preschool education with respect to making sure that those students being tested have actually had a fair shot and a fair beginning?

Mr. JENNINGS. Congressman, it is a lengthy bill, but as I read your bill, you do not move in the direction of national standards or encouraging increases in State standards except through the first provision that talks about development of world class standards and some incentive programs. You are in a real dilemma that—you have an endless number of dilemmas. You are trying to thread a needle here where you are tying to bring some flexibility while maintaining accountability.

If I had my druthers, I would go more towards trying to raise State standards, if possible, through cash incentive programs and so on, because you have such disparity among the States. But every time you go in that direction you will be accused of nationalizing education and trying to bring about more uniformity than is necessary among the States. But I think it is time to take some steps in the direction of encouraging States to have higher standards.

There are some States now that have very high passage rates on their State tests, and by any other indication, they shouldn't have those passage rates because they have set their cutoff scores so low and they have tests that aren't very demanding. So a little encouragement to raise standards would be useful.

The question about third graders, as you know, the area of early testing is very controversial, and one thing that—education research isn't very clear on many things. One thing it is clear on is the value of early preschool education, if it is of high quality, and especially for poor children. If there is one place to give an extra emphasis, I think it would be to try to increase early childhood education, especially for poor children.

Mr. TIERNEY. Is it making sense for us to take the money spent on testing those third graders and realign it to have better early childhood education?

Mr. JENNINGS. That is a dilemma. I don't think you would find that much money actually spent on testing because the development of tests in dollar administration of tests really isn't enormously costly. But you should find much more money for preschool education; and this is very expensive, but something that ought to be done.

Chairman MILLER. Thank you.

Anyone in the second row?

Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman.

One comment. I think Mr. Podesta's point about poverty as a criteria for distribution is an excellent point.

Mr. Stark, explicit in the goals of No Child Left Behind is closing the achievement gap and doing something about improving the graduation rate, particularly among students of color and poor kids. Toward that end, how important is it for us in this legislation—beyond the message or symbolism, but in concrete terms—to talk about or do something about turning around our lowest performing middle schools at the same time and meeting those goals of closing the achievement gap and increasing graduation?

Mr. STARK. Congressman, I think it is critical, and if you hold the high schools as the end, you have eliminated the opportunity to work with students at the elementary and middle level. So I think I totally agree with Mr. Jennings. Preschool education, the earlier we can intervene and provide assistance for students, all students, the logic would be that you would see less need for interventions at the higher level.

So closing the achievement gap at any level is absolutely critical, but in my judgment, the earlier you can start those interventions, the higher the graduation rates, the more success you will see as students progress.

Chairman MILLER. Thank you.

Ms. Davis.

Mrs. DAVIS OF CALIFORNIA. Thank you, panel.

Ms. Messina, you mentioned the deadline for proficiency in 3 years. Then what?

Ms. MESSINA. It would be identified, whether the school made AYP. We are asking that you include the figures, but have a deadline so that we know there is a drop-dead date; otherwise, students

could always make progress, but never be proficient. I don't think we want to graduate students saying that they are not proficient, and we have tried for 12 years.

So we would then——

Mrs. DAVIS OF CALIFORNIA. Would you change the "punishments" for the schools? Do you have a different sense of what do you do after that? If they don't make it, then what? What is the best way that one can drive that so you move towards a different——

Ms. MESSINA. Targeted restructuring of the schools.

Mrs. DAVIS OF CALIFORNIA. Similar to No Child Left Behind?

Ms. MESSINA. Yes, ma'am.

Mrs. DAVIS OF CALIFORNIA. Did No Child Left Behind drive the Teacher Advancement Program or was there something else going on that created the incentive for that program?

Ms. BROWN. No. When we were considered a status of double F, that was the driving force to find out what we needed to do to improve our student achievement. Other than the status of F being assigned to our school, that was our driving force, not being singled out as a failing school.

We knew our students were not failing. We needed to prove that.

Chairman MILLER. Thank you. Next row.

Mr. Hare or Mr. Yarmuth? Ms. Shea-Porter?

Ms. SHEA-PORTER. Thank you, Mr. Chairman. My question is to Dr. Darling-Hammond.

I was very interested in what you were saying about how other countries are doing in comparison to the United States and you wanted multiple measurements. Are we teaching the wrong stuff? In other words, we can administer these tests which—I have a lot of problems with constant testing, but is the material wrong? Could you address that, please?

Ms. DARLING-HAMMOND. To some extent, yes. If you look at the standards in other countries that are high achieving, there are very few topics taught and tested at each grade level, and they are very carefully sequenced.

If you look at the standards in most of our States, everything is being taught every year, there are 35 standards or topics being taught. There might be 3 or 4 math topics taught in Japan in a given year; we are doing 30, we do it superficially rather than deeply.

That is reinforced by the testing in many cases, which tests too many things, forces a superficial mile-wide, inch-deep curriculum. Our testing system is primarily focused on multiple choice tests, which are recognizing one answer out of five on a piece of paper.

I don't go to the office in the morning, answer my multiple choice questions and go home. The skills I need are skills of thinking, gathering information, analyzing, synthesizing, producing work. Those skills are actually assessed in other countries, both in the centralized assessments and local assessments that teachers use to drive the curriculum. Kids are writing much more extensively in other countries. They are studying science in an investigatory way. They are doing hands-on work with computer programming. And our kids are bumbling in multiple choice questions.

We have to be concerned while we are driving our improvement process with standards that we get the right standards, that we do

them in the right way, that we assess them in ways that produce skills used in college and in the workplace.

Ms. SHEA-PORTER. I do believe we are denying teachers the opportunity to teach what they know, all their wealth, all their experience and all their knowledge, because of these tests.

Ms. DARLING-HAMMOND. When they are involved in the assessments, they learn more about how to teach and what their kids know and how to meet the standard. That is an important piece.

Chairman MILLER. Let me thank the panel very much not just for your testimony today, but as I have been saying over the last several weeks—Mr. McKeon and I have both been saying—so many organizations spent a lot of resources, applied a lot of talent and expertise to looking at this law over the last 5 years, and intensely over the last year, and it has really been helpful to the members of the committee as we consider its reauthorization.

I want to thank each of you for your involvement—Ms. Brown, for your experience-based research that is helpful to us. And, Mr. Stark, with so many of your members and their experiences that you brought to bear on this process. Thank you very much. We look forward to continuing this conversation as we move toward the reauthorization.

Our next panel will be made up of Mr. Billy Cannaday, Jr., who was appointed recently to a 4-year term as Superintendent of Public Instruction by Virginia Commonwealth Governor Tim Kaine. Prior to his appointment, Mr. Cannaday served as Superintendent in two of the Commonwealth's largest school divisions.

Former Governor Bob Wise is joining us, who became President of the Alliance For Excellent Education in February of 2001; and under his leadership, the Alliance has continued to build a reputation as a respected authority for high school policy and an advocate for reform in that secondary system. It goes without saying as a colleague in the Congress of the United States, and former governor of West Virginia.

Adria Steinberg leads Jobs for the Future's work on expanding and improving educational options and outcomes for large groups of young people who are struggling in the State to get back on the road of productive adulthood.

James McPartland is the Director of the Center for Social Organization of Schools at the Johns Hopkins University.

Brian Gong is the Executive Director of the Center of Assessments. He has previously served as Associate Commissioner of Curriculum Assessment and Accountability in the Kentucky Department of Education.

Michael Cohen, a nationally recognized leader in education policy and standards-based reform, has been the president of Achieve since 2003.

And Janet Bray is the Executive Director of the Association for Career and Technical Education.

Thank you so much for joining us and thank you for the help and assistance you have provided the committee in the past. Again, we will accept your testimony in the regular 5-minute order here.

There will be a green light, Mr. Cannaday, when you begin, a yellow light when you have about a minute left, and a red light when we would like you to finish. But we want to make sure that

you are able to complete your thoughts and convey your suggestions to the committee. Welcome.

If we can ask people at the door, in or out, one or the other. Thank you.

Thank you very much. Mr. Cannaday, we will begin with you.

STATEMENT OF BILLY CANNADAY, SUPERINTENDENT OF PUBLIC INSTRUCTION, COMMONWEALTH OF VIRGINIA

Mr. CANNADAY. Thank you, Chairman Miller, Ranking Member McKeon and other members of the committee. Thank you for providing me with an opportunity today to speak to you really from several perspectives—one, that of being the State Superintendent of Public Instruction; the other, as being a practicing superintendent for about 12 years, also a CCSSO member, but I think more importantly, what Virginia has learned over the last 12 years of its reform effort that deals with accountability.

I would like to thank you for the attention you are giving to the whole notion of a sense of urgency to address this law, to make certain that we are accountable to all children. And more importantly, we can learn from the lessons over the last 5 years how to make improvements.

I would like to guide my comments in two areas, one being innovation and the other accountability. Particularly dealing with the college and workforce readiness issue, I am glad you have given attention to strengthening high schools, as we have done in Virginia. As a matter of fact, we are working with the America Diploma Project College Board, as well as ACT, to establish college and workplace readiness standards.

More specifically, the governor and general assembly this past session passed bills that will actually guide, direct the department of education and State board to develop two new diplomas, a technical and an advanced technical diploma, both of which are designed to be more rigorous than a standard diploma, to deal with the whole issue of college and workplace readiness.

I would like to give attention to the issue of innovation with dealing with differentiated consequences. I am very pleased, as both the State Superintendent of Public Instruction and a CCSSO member, that you are giving attention particularly to how do you treat school divisions that demonstrate a commitment to all children making exceptional progress and treating them differently than schools that have a recurring history of low performance. We do believe one-size-fits-all is not the remedy and are pleased in the direction you are moving.

The other area deals with—under the notion of innovation is increased flexibility. We all understand that in order to innovate it must be timely response to an identified need. We are clear, a 5-year cycle certainly does not encourage innovation, but we are glad that you have seen to develop a different kind of partnership between States and the Federal Government about how to innovate to be responsive and more timely.

In the area of accountability, it is very clear that you are seeking to redefine what the relationship should be between the State and Federal Government. In the 10 years, 12 years, of Virginia's reform effort, we started with high expectations in the mid-1990s, well be-

fore No Child Left Behind, we have transcended four governors, two Republican, two Democrat. Still the effort has sustained itself. As a matter of fact, over one-third of the superintendents that started the process are no longer there, and we replaced that number by a third.

The real issue is that we have learned something about not only how to innovate, but how to be held accountable. We believe that a partnership between State and Federal Government should be one that speaks of being real tight on expectations and on metrics to define progress in meeting those expectations, but also giving some differentiated flexibility. Where States and local schools have demonstrated ability to respond to these high expectations, they need to have greater flexibility about how to get there and to move ahead and to innovate.

Again, I hope that our efforts today will assist you in your deliberate process to assure that the law is more responsive, that it does spur innovation, and certainly, it does maintain the important features of the law that deal with accountability for learning for all children at very high levels.

Chairman MILLER. Thank you.

[The statement of Mr. Cannaday follows:]

Prepared Statement of Dr. Billy Cannaday, Jr., Superintendent of Public Instruction, Virginia Department of Education

Chairman Miller, Ranking Member McKeon and members of the committee, thank you for this opportunity to testify today regarding college and work readiness and the reauthorization of the Elementary and Secondary Education Act. I am testifying on behalf of the Council of Chief State School Officers and in my capacity as the Superintendent of Public Instruction in Virginia.

First, thank you for using reauthorization as an opportunity to place a greater emphasis on strengthening the nation's high schools, including providing new incentives for states to align standards with college and work readiness. States are leading the effort to align high school with the knowledge and skills our young people will need to succeed in the global economy, and we welcome your support in this important area.

In Virginia, for example, we are working with the American Diploma Project, the College Board, and ACT to align our standards with college- and work-readiness expectations. Additionally, the State Board is in the process of developing two new diplomas—a technical diploma and an advanced technical diploma—to increase rigor and better prepare young people—and the commonwealth—to compete for the technical jobs of the 21st-century global economy.

Strong support for these diplomas from Virginia Governor Tim Kaine, the Virginia General Assembly, and our business community reflects the commonwealth's commitment to strengthening high schools, improving post-graduation opportunities for students, and responding to the needs of our communities.

This work is a clear example of state efforts to raise the bar, and it is an example of the kind of innovation and judgment that the new ESEA must permit and encourage in all areas.

As you know, the nation's education system has changed dramatically since passage of No Child Left Behind. Every state has worked to lay the foundations for standards-based reform, including systems of accountability, data-reporting mechanisms, and standards for teacher competence and quality. In Virginia and in many other states, this effort began well before President Bush signed NCLB into law.

This transformation in our public education system has not come easily, and we must continue to press steadily ahead. Much work remains to be done before we can declare victory. Implementing the next generation of standards-based reforms will require an equal or greater commitment of resources, time, and human capital.

As state leaders, we want you to know that the scale of our success will depend on our ability to work with you in partnership to fundamentally reform federal education policy.

The revised ESEA must acknowledge the know-how, commitment, and judgment of successful educators at the state and local levels, especially those in states that have already significantly raised student achievement.

Congress rightfully jump-started the education reform process five years ago, but NCLB's framework is now outdated and in some cases is hindering, instead of supporting, educational innovation both at the secondary and primary levels.

The revised ESEA must not only provide new support for promoting alignment, strengthening accountability, and enhancing dropout prevention; it must also: (1) spur continuous state and local innovation; (2) facilitate increased state capacity; and (3) provide greater resources for ensuring that every child in America receives a high-quality education.

Achieving these objectives for high schools, middle schools and elementary schools will require a new state-federal partnership—one that encourages innovative strategies for improving student achievement and closing achievement gaps. Congress should set a floor, not a ceiling, for state education policy, and then empower state and local educational agencies to produce results on behalf of all children by developing innovative solutions to challenging educational and social issues, such as closing the achievement gap and boosting graduation rates.

We agree that the law should be reauthorized, because there is no time to waste and no margin for error in our quest to prepare all kids to succeed when they leave our care. But before completing reauthorization, we must ensure that we are getting the law right by avoiding the notion that a single formula for success can be codified in federal law for every local and state context.

Achieving our shared education goals will require that we make room for sound education judgment and encourage continuous improvement across the states. Providing flexibility for such innovation across the law, tied to a re-invented peer review process, will help move us toward reauthorization and build on the foundations of NCLB without sacrificing meaningful accountability.

In this city there are interest groups and think tanks that believe that latitude for state and local innovation is incompatible with real accountability. I'm here today to say that that notion is dead wrong. Creative, experienced educators do not fear accountability—they welcome it. All that we ask is for the freedom to move forward with innovative, peer reviewed strategies without being strangled for months or years by a rigid one-size-fits-all structure dictated from Washington.

Reauthorization offers an opportunity to return children to the center of our efforts to reform and improve public education. Discussions between state and federal officials over specific testing policies and other details of reform should focus on the best interests of the students in question and not become a test of wills.

States need flexibility as they tackle difficult issues, such as how best to include non-English speaking children in state accountability systems. States that have led the way in raising student achievement through standards-based reform should at least get the benefit of the doubt when questions arise about specific aspects of implementation.

If we get reauthorization right, ESEA will spur innovation and spread promising practices, and American education will have made a major difference for millions of kids five years from now. If we get it wrong, state and local decision makers may spend years trying to sort out how to implement prescriptive federal requirements that may make sense in some contexts and fail miserably in others.

We appreciate this opportunity to testify, and want to commend you for seeking to remedy many key issues in your discussion draft. The draft language addresses a number of critical areas for improvement, such as differentiating consequences, implementing growth models, and using multiple measures. These issues are vital to strengthening the framework of the law, and helping state and local educators focus on the students who need the most support.

I also want to thank you for incorporating several of the important recommendations offered by CCSSO and other state education organizations. We agree, however, that the language is a work in progress, and believe some provisions of the draft are too prescriptive. We look forward to continuing our collaborative dialogue with you in order to address these and other challenges as the reauthorization process continues.

STATEMENT OF HON. BOB WISE, PRESIDENT, ALLIANCE FOR EXCELLENT EDUCATION

Mr. WISE. This gives me a chance to do my mea culpa before this committee. When I was governor several years ago, I was one of

the ones seriously considering filing suit to enjoin the implementation of NCLB. And, quite frankly, I was wrong, and I am glad I didn't go forward because I began to see over time the importance of NCLB, particularly in putting a spotlight on the startling achievement gaps that were there and also the ability to provide all children, including poor and minority children, with access to a high-quality education.

That is why I greatly also appreciate this committee draft, because there have been real efforts made here to address some of the concerns and also to improve the bill.

I am particularly appreciative of what the committee has done in the area of high school reform to address the shortcomings and to assist high schools, which are the jumping-off spot for college or the workplace. The high schools aren't effectively covered in the existing NCLB; graduation rates are not an effective measurement of AYP; additionally, since Title I is the carrot and the stick for NCLB, but only 8 percent of high school students are covered by Title I. Effectively, high school students are not covered by this bill.

This committee draft addresses many of those concerns. You know the statistics, only 70 percent of students will graduate on time with a regular diploma. We know that even fewer graduate college ready for the modern workplace. We know that 70 percent of eighth graders are reading below grade level according to NAEP. We know these numbers are far worse for children that are poor and children that are of color.

We are pleased that this draft is built off the work of best-practice research. And some of the bills are already introduced by members of this committee. This draft takes a huge step forward for high school reform at the Federal level.

In terms of improving high school, high school accountability must be tied to support for high school improvement. This draft recognizes that high school improvement is not a one-size-fits-all process that can be addressed with only a couple of mandated strategies. The draft builds off Representative Hinojosa's Graduation Promise Act to provide a more thoughtful approach to high school improvement and authorizes a new Graduation Promise Fund to support those efforts targeted to the lowest-performing high school.

In our submitted comments, we do provide detailed recommendations on strengthening the school improvement process to better reflect what is known about high school turnaround, including strengthening the turnaround time line, improving the high school reform language, using interim indicators, tightening the redesign options and strengthening the State role.

We also would urge creating a separate fund to turn around low-performing middle schools, such as in Representative Grijalva's bill. For college and work readiness, while NCLB set the goal of all students being proficient by 2014, ultimately the currently used State test for many of those tests often measures only 10th grade proficiency.

What this draft does—and we applaud the committee for it—is to make a clear statement that college and work readiness is the goal to which everything else should be aligned.

However, we believe that a common set of standards and assessments would provide significant benefits in terms of equity, efficiency and educational outcomes. And we look forward to working with you to strengthen the incentives for States that choose to work together voluntarily to establish and adopt common standards and high-quality assessments aligned with the first 21st century's skills and knowledge.

Graduation rates are critical to this process. Under current law, they are not defined consistently nor disaggregated by subgroup or required to improve significantly over time, like test scores. It is like we run our kids a mile race, we access them rigorously at every tenth of a mile, they get ready to cross the finish line and we toss the cards up in the air; we are not keeping track anymore. The best example of this is that in terms of the dropout factors that have been so much talked about, almost 40 percent of those actually make AYP.

We are very pleased that the draft builds off of Representative Scott's Every Student Counts Act to clearly define a common graduation rate and require meaningful increases in the rates of accountability.

Data systems: We are very appreciative of what the committee has done to focus on data to improve decision-making through the draft, as well as the support for building and using statewide longitudinal data systems.

For multiple measures, we are concerned that the use of multiple measures—and we understand the committee is looking at this very deeply and seriously—contemplated that the draft might cloud AYP with indicators that are less uniform, objective and measurable. We would encourage the committee to look at the type of multiple measures and be also a little bit wary of college enrollment information, dropout rates versus graduation rates, two different things, and end-of-course testing, which can be vulnerable to inaccuracies. We would suggest creating a pilot program to explore learning further about multiple measures from the efforts of States prepared to design such a system.

We also want to thank the committee for including in its draft the Striving Readers legislation, which I believe Representatives Yarmuth and Platts have introduced, once again recognizing that 70 percent of our eighth graders are not reading at grade level when they enter high school.

We want to thank the committee very, very much for what it has done in improving high schools and recognizing the significant needs of high school students. This is a continuum from pre-K all the way through grade 12 and into higher education.

High schools are a vital part of it—they have not been before—and what you will do is make sure that no child is left behind, but you will work to make every child a graduate.

Chairman MILLER. Thank you.

[The statement of Mr. Wise follows:]

Prepared Statement of Hon. Bob Wise, President, Alliance for Excellent Education

• Thank you for inviting me to share our thoughts on this Discussion Draft to reauthorize Title I of the No Child Left Behind Act.

• I admit that as Governor, I seriously considered suing to enjoin the law. I didn't end up doing so, and over time, I have learned that it would have been a mistake to resist a law that despite all its flaws, was intended to put a spotlight on the startling achievement gaps and provide all children, including poor and minority children, with access to a high-quality education.

• Ironically, I've come to appreciate the values behind NCLB, at the same time that I've learned that it doesn't do much to address what is a significant crisis in this country—the millions of students who are leaving our high schools, with or without a diploma, unprepared for their future.

• We know that only 70 percent of all students graduate on time with a regular diploma four years later. We know that even fewer graduate college-ready. And we know that these numbers are far worse for poor and minority children.

• We also know that the failure to graduate from high school college- and work-ready has consequences for those students, their communities, and our economy.

• That is why, for the moral, civil rights, educational, and economic reasons, my organization, is dedicated to the mission of helping make every child a graduate prepared for success in the 21st century.

• NCLB was basically designed to address grades K-8. As a result, it is often neglectful of or even at odds with what is known about low-performing high schools.

• We are pleased that this Draft has built off the work of best practice, research, and some of the bills already introduced by Members of this Committee, to take a huge step forward for high school reform at the federal level.

• It provides thoughtful approaches to aligning the goals of high school graduation with college and work readiness, more accurately identifying low-performing high schools and providing for both accountability and support to turn them around.

Specifically:

High school improvement

• NCLB: High school accountability must be tied to support for high school improvement. Unfortunately, NCLB's improvement strategies are only triggered by Title I funds and so few high schools receive those funds. Also, the required actions under NCLB—school choice and supplemental education services (SES)—do not work to improve high schools for a variety of reasons.

• DRAFT: We are pleased to see the Draft recognize that high school improvement is not a one-size-fits all process that can be addressed with those two mandated strategies. The Draft builds off of Rep. Hinojosa's Graduation Promise Act to provide a more thoughtful approach to high school improvement and authorizes a new Graduation Promise Fund to support those efforts targeted to the lowest performing high schools.

• TO IMPROVE: Our submitted comments provide detailed recommendations on how to strengthen the school improvement process to better reflect what is known about high school turnaround, including:

• Strengthening the turnaround timeline, improving the whole school reform language, and tightening the redesign options.

• Allowing districts to use Graduation Promise funding for systemic high school strategies in addition to whole school reform.

• Providing more "checks and balances" for high school improvement at the state level by using state-developed interim indicators in addition to AYP to inform the school improvement process; and

• Allowing use of high school SES funds for dropout prevention and recovery activities.

• Creating a separate fund to turn around low performing middle schools by including Rep. Grijalva's bill.

College and work readiness

• NCLB: NCLB set the goal of all students proficient by 2014, and requires annual improvement toward that goal. Unfortunately, the currently-used state tests often measure 10th grade proficiency, not college- and work-readiness. And the failure to include "college- and work-ready graduation" as an accompanying goal created many perverse incentives.

• DRAFT: We applaud the committee for the clear statement in this Draft that college and work readiness is the goal to which everything else should be aligned.

• IMPROVE: However we believe that a common set of standards and assessments would provide significant benefits in terms of equity, efficiency, and educational outcomes. We look forward to working with you to strengthen the incentives for states that choose to work together to establish and adopt common standards and high quality assessments aligned to 21st century skills and knowledge.

Measuring graduation rates

• NCLB: Under current law, graduation rates are not defined consistently, disaggregated by subgroup, or required to improve significantly over time in the same that test scores are. It's as if we are clocking runners in a race every mile but then do not pay attention to whether or not they cross the finish line. As a result, AYP is undermined as a useful tool for holding high schools accountable for improving student outcomes and identifying high schools that need assistance. The best example of this is the high percentage of dropout factories that actually make AYP.

• DRAFT: We were very pleased that this Draft builds off of Representative Scott's Every Student Counts Act, to clearly define a common graduation rate and require meaningful increases in those rates in the accountability system for high schools. These shifts are critical to making AYP a more accurate measure of high school performance and tool for identifying low-performing high schools.

• TO IMPROVE: However, the Draft would allow states to propose alternate ways for graduation rates to be used as part of AYP. We are concerned that this would undermine the Draft's otherwise clear and comparable approach that requires aggressive, attainable improvement.

Other issues:

• Data Systems: We applaud the committee for focusing on using data to inform decisionmaking throughout the Draft, as well as the support for building and using statewide longitudinal data systems. Good data and data systems are critical to many of the other requirements of the Draft. We've submitted comments to improve some provisions in the Draft related to student privacy that restrict the use of data beyond current policies, and move in the opposite direction of where we want to go.

• Multiple Measures: We are concerned that the use of multiple measures of high school performance contemplated in the Draft might cloud AYP with indicators that are less uniform, objective and measurable.

• First, some of the indicators permitted in the Draft as part of AYP (including college enrollment information, dropout rates, and end-of-course testing) are vulnerable to inaccuracies and gaming. Given the lack of information and understanding about what a highly-accurate multiple measures accountability system would look like, we suggest creating a pilot program to allow us to learn from the efforts of states that are prepared to design such a system, before expanding the option to every state.

• Second, the "multiple measures" option would provide "extra" points towards the proficiency category by showing graduation rate gains. This might encourage schools to graduate unprepared students. Instead, graduation rates and proficiency on a college- and work ready assessment should be weighted equally to provide balanced incentives for raising test scores and graduation rates.

Conclusion

• Thank you again for creating such an open process and providing this opportunity to comment on the Draft.

• As a former member of Congress, I certainly appreciate the process in front of you as you attempt to reauthorize NCLB. Like most laws—the devil is in the details, there are adamant advocates on opposing sides of many issues; you and your staff are doing an incredible job of moving this forward.

• This Draft is a promising first step toward a reauthorization that has the opportunity to leverage powerful and necessary change in our nation's high schools.

• We look forward to continuing to work with you to ensure that this reauthorization helps to move us all from "no child left behind" to "every child a graduate."

Chairman MILLER. Ms. Steinberg.

STATEMENT OF ADRIA STEINBERG, ASSOCIATE VICE PRESIDENT OF YOUTH TRANSITION, JOBS FOR THE FUTURE

Ms. STEINBERG. Thank you for the opportunity to testify today, and more importantly, thank you for providing us with a bipartisan discussion draft that puts the secondary back in the center of the Elementary and Secondary Education Act. There is no more critical goal than increasing the percentage of young people who graduate from high school while ensuring that these graduates are ready for college and careers.

My name is Adria Steinberg, and I am part of the idealistic generation that entered education as an extension of our work on civil rights just after the first ESEA was passed. As Associate Vice President of Jobs for the Future, my work focuses on fixing leaks in the educational pipeline, especially for low-income, African American and Hispanic students. Far too many of these students attend high schools where graduation is barely the norm and where academic offerings are spotty at best. And far too few of them ever reach their dream of obtain a postsecondary credential that will lead to satisfying and family-supporting careers.

From our work at Jobs for the Future we see States, districts and communities facing three key challenges. And sealing leaks in the pipeline we call these "the three I's"—the invisibility challenge, the invention challenge and the infrastructure challenge. The good news is the discussion draft goes a long way towards addressing all three. I will speak briefly to each challenge and offer a few suggestions as well. We found that school districts and communities try to be systemic in connecting or reconnecting young people to high-quality pathways graduation and postsecondary advancement.

The first challenge that must be addressed is the invisibility of the graduation crisis. The most common methods of calculating graduation and dropout rates have long masked the true magnitude of the problem. We now know that, nationally, 30 percent are not graduating high school on time or at all and how much worse it is in low-income communities.

Requiring, as the draft does, that all States use a common measure based on an adjusted cohort graduation rate and giving graduation rates more equal footing with academic measures in high school accountability will help ensure that all students are counted and accounted for. This will go a long way towards focusing attention on the true extent of the dropout crisis and on the large number of young people who are overage for grade and not on track to graduate from high school. We applaud the draft for that.

The second major challenge we help districts, communities and States grapple with is what we call the invention challenge, low-performing high schools that lose almost as many students as they graduate. Educators are realizing that traditional ways of doing business will not suffice. There is a need for new models of secondary schooling that use evidence-based approaches to help young people reengage with school, build their skills, earn a diploma and advance to postsecondary education and careers.

The discussion draft addresses this challenge up front by setting up the Graduation Promise Fund to support the turnaround and reinvention of low-performing high schools. And by including in this provision a set-aside to build the capacity of nonprofit entities, to develop, replicate and scale up effective models for struggling students and returning dropouts.

The policy makers and practitioners with whom we work would like nothing better than to import or adapt excellent models such as Talent Development, early college high school, YouthBuild and many, many others, and to work with nonprofit entities on the development of more such models.

We would like to make two recommendations as to how the draft would be strengthened to have more of an impact on the invention

challenges in the field. First, we suggest that supporting scale-up of existing models and creation of new models is so important that the set-aside should be required rather than at the Secretary's discretion, and that 5 percent of the Promise Fund be set aside for this purpose.

Second, the invention challenges are such that it will take State and local partnerships to address them. In the current draft, the balance of authority for school improvement rests with the district. We would hope for language that lays our strategy where States and districts are expected to collaborate and serve as checks and balances for each other in an effort to turn around the high-priority high schools.

The third and final challenge is the infrastructure challenge. Schools and districts need State policy to support them and the hard work of turnaround, reinvention and model design. Policy, in other words, needs to keep pace with innovative programming and what is now known about what works.

The discussion draft breaks new ground by including incentives for States to design and implement policies in a strategic way to both build infrastructure and create operating conditions to support turnaround of high-priority high schools and allow new models to flourish. This strong support of State innovation is a refreshing addition to Part H on Dropout Prevention, and we hope it will be supported by appropriations beyond what has gone into Part H in the past. State innovation is critical to dropout prevention and to the ambitious goal of significantly raising college-ready graduation rates even in our most challenged school districts and schools.

Thank you again. I look forward to further discussion with you.

Chairman MILLER. Thank you very much.

[The statement of Ms. Steinberg follows:]

Prepared Statement of Adria Steinberg, Associate Vice President, Jobs for the Future

I want to thank Chairman Miller, Congressman McKeon, and the other distinguished members of the Committee for the opportunity to testify today on the discussion draft of the Reauthorization of the Elementary and Secondary Education Act. More importantly, thank you for providing us with a draft that puts the "secondary" back in the Elementary and Secondary Act.

There is no more critical goal than increasing the number of young people who graduate from high school and ensuring that these graduates are ready for college and careers.

My name is Adria Steinberg and I have spent the last 40 years working in and on high schools. As Associate Vice President of Jobs for the Future, my work focuses on fixing leaks in the educational pipeline, especially for low-income, African American and Hispanic students. Far too many of these students attend high schools where graduation is barely the norm and where academic offerings are spotty at best. And far too few of them ever reach their dream of obtaining a post-secondary credential that will lead to satisfying and family-supporting careers.

Addressing the Invisibility, Invention, and Infrastructure Challenges

From our work at Jobs for the Future, we see districts and communities facing three key challenges in sealing leaks in the pipeline. We call these the invisibility challenge, the invention challenge, and the infrastructure challenge. The great news is that the discussion draft goes a long way toward addressing all three of these major challenges. And, of course, we have a few suggestions.

We have found that as school districts and communities try to be systemic and strategic in connecting or reconnecting young people to high quality pathways to high school graduation and post-secondary advancement, the first challenge that must be addressed is the invisibility of the graduation rate crisis. The most common methods of calculating graduation and dropout rates long masked the true mag-

nitude of the problem. We now know that nationally 30% of our young people are not graduating from high school on time or at all. In low-income communities the rate drops to 40-50%.

Requiring, as the draft does, that all states use a common measure based on an adjusted cohort graduation rate and giving graduation rates equal footing with academic measures in high school accountability will ensure that all students are counted and accounted for. This will go a long way towards focusing attention on the true extent of the dropout crisis and on the large number of young people who are over-age for grade and not on track to graduate from high school. We applaud the draft for that.

The second major challenge we have helped districts, communities, and states grapple with is what we call the invention challenge. In tackling the problem of low-performing high schools, of "dropout factory" high schools that lose almost as many students as they graduate, educators are realizing that traditional ways of doing business will not suffice. There is a need for new models of secondary schooling that use evidence-based approaches to help young people to reengage with school, build their skills, earn a diploma and advance to post-secondary education and careers.

The discussion draft addresses this challenge up front—by setting up the Graduation Promise Fund to support the turn-around and reinvention of low-performing high schools, and by including in this provision a set-aside to build the capacity of non-profit entities to develop or replicate and scale up effective school models for struggling students and returning dropouts.

Policymakers and practitioners with whom we work would like nothing better than to import or adapt excellent models such as: Talent Development, KIPP, early college high school, the transfer school and Young Adult Borough Centers in NYC, YouthBuild, Performance Learning Centers, or many others, and to work with non-profit entities on the development of more such models.

We would like to make two recommendations as to how the draft could be strengthened to have even more of an impact on invention challenges in the field.

First, we suggest that supporting the expansion and scale up of existing models and the creation of new models is so important that the set-aside should be required rather than entirely at the Secretary's discretion and that at least 5% of the Graduation Promise Fund be set aside for this purpose.

Second, the invention challenges are such that it will take state/local partnerships to address them. In the current draft, the balance of power rests with the district. We would hope for language in the next draft that lays out a "both-and" strategy where states and districts are expected to collaborate and serve as checks-and-balances to each other in efforts to turn-around high priority high schools.

The third and final challenge is the infrastructure challenge. Schools and districts need state policy to encourage and support them in the hard work of turn-around, reinvention, and model design. Policy, in other words, needs to keep pace with innovative programming and what is now known about what works.

The discussion draft breaks new ground by including incentives for states to design and implement policies in a comprehensive and strategic way to build infrastructure and create the operating conditions to support turnaround of high priority high schools and to allow new models to flourish. This strong support of state innovation is a refreshing addition to Part H on Dropout Prevention and we hope it will be supported by appropriations beyond what has gone into Part H in the past. State innovation is indeed critical to dropout prevention and to the ambitious goal of significantly raising college-ready graduation rates, even in our most challenged school districts and schools.

I am honored to have had this opportunity to share my views on this groundbreaking draft and look forward to further discussion with the committee. Thank you very much.

Chairman MILLER. Mr. McPartland.

STATEMENT OF JAMES MCPARTLAND, PH.D., RESEARCH PROFESSOR AND CO–DIRECTOR, CENTER FOR SOCIAL ORGANIZATION OF SCHOOLS, JOHNS HOPKINS UNIVERSITY

Mr. MCPARTLAND. It is a great honor to appear before this committee and comment on draft legislation.

The focus on high schools is really a major advance in the NCLB legislation. It is a great step forward not only because it now focuses on youngsters, the older learners in high schools and middle

schools that have been ignored by our legislation, but it is very well informed by current research on what would work to improve high schools and how to make it an effective, accountable way.

I want to comment on four key components to the legislation where the research backing is really very strong. First is the focus on a set of schools with high dropout rates. It turns out that about 15 percent of our Nation's high schools are really the place where most of the problems happen. Indeed, two-thirds of the African American and Latino students who drop from schools go to these 15 percent schools. If you could solve the dropout problem in these 2,000 or 3,000 schools, you would actually eliminate the graduation rate gap between our minority population and our average high school student. So very cost-effective research says to place this focus on the highest need, high dropout condition schools.

Secondly, the bill really recognizes key components of the reform. It is not just more money; it is money directed at research-based, comprehensive reform. There are really three big pieces needed to turn around high-problem schools. First are organizational changes to personalize the learning environment. We need smaller schools, schools within our schools, schools with career academies where the kids and teachers can really get to know one another and the young people feel really welcome, when they are not there, they are missed; the school is really a place for them to be.

The second is intensive curriculum and instructional reform. We need to close these skill gaps. Often in our troubled high schools, the ninth grader comes in 2 or 3 years below in reading and other things. We know what to do; it is extra time in the core curriculum with focused instruction, teaching comprehension skills, improving their literacy and so on. That is the second point, and the legislation is very clear on more resources for classroom instruction.

The third part of comprehensive reform is support for teachers. In the end, the teachers bring this home and make it happen—and we know how teachers can respond to time for training together, but mainly having expert peer coaches and time to build a professional development learning community. The legislation is very research reformed on how the money should be spent to turn around the focused schools.

The third part is the resources, the Graduation Promise Fund that actually says about a minimum of $700 per young person, per student in these targeted schools, is what is needed. That is also what studies and our experience show: It is money for new curriculum and extra time, it is money for teacher planning and working together in teams, it is money for coaches and other support systems, so that the reforms we know will work will actually happen.

The second part is that the research really informs both the needs and the resources.

The fourth part is about the accountability measures, that we can calculate in a clear way what the graduation rate should be. This bill requires that graduation completion is added with equal importance to test score performance, and that is important as well.

I want to conclude with a couple of suggestions about how this excellent legislation could actually be honed up and in minor ways

taken to the realities of a high school. The first is about, rather than a 3-year planning and evaluation period, the natural cycles of high school requires 4 years. It is not only that the ninth grade is so important, we need 4 years to have this play its way out, but also the 4 years is the natural cycle of high school.

The second part that I think could be improved is allowing some flexibility in the years to graduation. We want all kids to be on time with graduation—as many as possible in 4 years, but there are some set of young people that really need a fifth year for a second chance. These are the kids that might flunk the ninth grade before they get the message about how high school can work for them. So a little flexibility in that regard is valuable.

Finally, like other speakers, I urge getting on with it. If this particular, the high school part, can move forward, there are thousands of young people every year that can be saved. This is important for them, not only their individual needs, but really it is what matters for the future of the country, too.

I urge the committee and compliment them for your draft bill and urge "to get on with it."

Chairman MILLER. We are right with you there. Getting on with it is the toughest part.

[The statement of Mr. McPartland follows:]

Prepared Statement of James M. McPartland, Ph.D., Research Professor and Co-Director, Center for Social Organization of Schools, Johns Hopkins University

I am James McPartland, research professor and co-director of the Center for Social Organization of Schools at Johns Hopkins University. I have specialized in research and development at the high school level for high-poverty student populations.

It is a great honor to appear before this committee to comment on the new prominent focus on high school reform in the legislation to reauthorize No Child Left Behind.

This focus is a major advance in federal assistance to public schools serving high-poverty populations because (1) it offers major support to a large group of needy students at the high school level, who have not previously had access to significant federal resources under NCLB, and (2) it follows the most recent powerful research on how to best direct assistance with the most promising interventions and the most effective accountability. My comments are directed to the research support for the key elements for high school reform in the draft legislation, and offer two suggestions for modification that would further strengthen the legislation.

1. Focus on Neediest Students

The focus on specific high schools with high dropout rates is backed by research that shows the most serious dropout problems are concentrated in a small fraction of the nation's high schools. Recent studies indicate that more than half of the students who drop out had attended 15 percent of the nation's high schools, so targeting these schools will attack the majority of the problems. These schools exist in all regions and every state of the nation, and involve high numbers of poor and minority students. Indeed, two-thirds of African American and Hispanic students who drop out attended this 15 percent of the nation's high schools. Solving the problem in these schools would eliminate the gap in dropout rates between these minority groups and white students.

Thus, the legislation's focus on the schools with highest dropout rates is highly cost effective in targeting resources to solve this problem.

2. Research-based Reform Initiatives

The draft legislation also wisely identifies the key components of comprehensive high school reforms to receive federal support that research has shown are needed to turn around unsuccessful high schools. These components include (a) school organization for a personalized learning environment, (b) instructional interventions to motivate students and close skills gaps, and (c) teacher support systems to ensure

strong implementation of needed changes. All of these components have been found to be needed in a comprehensive package where each reinforces the others to impact student attendance, academic achievement and graduation.

The draft legislation recognizes how school organization interventions can create the conditions for positive student-teacher relationships, strong staff morale and high expectations for student behavior that lead to good student attendance and engagement with their studies, and course success that starts in the ninth grade and continues for the rest of the high schools years. These organizational changes include separate ninth-grade academies with small teams of teachers sharing the same students, upper-grade career academies that integrate college prep academics with occupational applications, and block schedules with extended class periods in core subjects and time for teacher team planning. While such organizational improvements can foster a positive learning environment of school safety, good student attendance and increased course passing, other changes are also needed to raise the intellectual demands and student success at high standards and to support teachers during reforms.

The draft legislation also requires that instructional programs must be strengthened to help poorly prepared students accelerate their learning and appreciate the value of their studies for later goals. This means a college-prep curriculum of high standards for all, with extra help for needy students, opportunities for active student learning that challenges mature thinking skills, and integration of career choice and applications within a core academic program.

In addition, the draft legislation recognizes teachers as an essential ingredient of effective high school reform, by requiring advanced professional development and teachers support systems for all staff. Not only are teachers to be a significant part of the reform planning processes for their inputs and buy-in, but will also receive specific supports to build skills and sustain commitments. These supports include mentors for new teachers and expert coaches on new instructional approaches, as well as time for teachers to work together in learning communities to perfect new, effective classroom approaches.

While the legislation calls for each key component for a comprehensive reform package, it allows for flexibility if a school is already strong in some areas, but needs improvement in others. The designations of high-priority schools and priority schools give leeway in how resources are deployed to meet local realities of program strengths and weaknesses.

Thus, the draft legislation carefully aims reform resources at the specific change components that research shows can produce impressive improvements in high school learning environments and student outcomes.

3. Adequate Resources for Strong Improvement

In the draft legislation, a Graduation Promise Fund will provide adequate resources to bring targeted schools the full way toward effective reform.

It establishes an estimate of $700 per student each year in additional resources to plan and implement the required comprehensive high school reforms in exchange for strong research-based interventions and clear accountability. Our extensive experience with more than 100 high-poverty high schools has taught us that this amount is the minimum needed to turn around the most troubled sites. Resources are needed for planning time to redesign the school and train staff, as well as form implementing new instructional approaches with new curriculum, smart professional development using expert coaches and time for teachers to work together through the year. It would make no sense to require powerful changes but to shortchange the costs to put them in place and make them work. This bill avoids the error with adequate resources for school reform.

4. Strong Accountability Requirements

The bill also promotes high school reform by greatly strengthening the accountability requirements with graduation completion rates sharing importance with test score achievement as the end goals of reforms. Research has shown that educators' primary concerns with test scores can set up perverse incentives to attend less to the promotion and graduation of all students. The bill makes sure that participating high schools must both graduate their students and prepare them with core academic skills to be successful. The bill also sends the right message about calculating the true graduation/dropout rates by using available data on the ratios of seniors to freshmen four years earlier. Research has shown this to be a practical and valid indicator for planning and accountability purposes.

5. Two Changes in Bill Language to Address High School Realities

Two modest modifications in the draft legislation are needed to better fit the true conditions of high schools in terms of the time line for implementing and evaluating

comprehensive reforms and the time flexibility for some students to complete their program.

A four-year reform implementation plan is needed for high schools, while a three-year plan will work for elementary schools. Four years fits high schools because reforms must set the foundation in the ninth grade which will take four years to show full gains in graduation rates. Shorter plans will unfairly concentrate evaluations on students who have experienced only partial reforms without the key first year, and will ignore the time that high school staffs truly need to plan, implement and refine comprehensive reforms. Indeed, a year before implementation is usually critical for an inclusive planning process and summer training and ninth-grade student transition activities to launch the major change interventions.

In the same vein, bill modifications to allow some students to use an additional year to earn graduation will deal with high school realities, but must be crafted to allow flexibility without giving unnecessary loopholes. A rule that at least 75 percent from each race-gender subgroup earns graduation in four years would retain high expectations for all, but allow some ninth-grade repeaters and other second-chance learners to earn graduation and count toward their school's success.

6. Move the Legislation Forward with Focus on High School Reform

The draft legislation is an excellent reflection of what recent research says that high-poverty high schools need and what will work to transform those 2,000 high schools that are the worst "dropout factories" into schools where all students will have a strong chance to close their skill gaps and earn their high school diplomas. Moving ahead now with this new important emphasis on high school reform will literally save thousands of American students each year from dropping out with all the means in success for the individuals and for American society.

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Chairman MILLER. Mr. Cohen, Michael, welcome.

STATEMENT OF MICHAEL COHEN, PRESIDENT, ACHIEVE, INC.

Mr. COHEN. Thank you, Mr. Chairman.

High-quality standards and aligned assessments have been a critical part of No Child Left Behind. It has been a critical part over the last 15 years of standards-based reform both at the State and Federal levels. Comments in the earlier panel suggested that the existing set of standards and assessments leave much to be desired. They are often not sufficiently focused and often not sufficiently rigorous; and the assessments don't really measure the things that are important.

This discussion draft takes a number of very important steps to rectify that situation. I want to focus my comments on a number of provisions that do that in this bill and suggest some ways in which they can be strengthened.

First, the provision to provide incentives for States to set standards for postsecondary work and workplace readiness is extremely important. As someone mentioned earlier, the mission of high

school, or really the mission of the K-to-12 system, ought to be to prepare young people for success after high school.

Our own research at Achieve shows that for the most part, up until very recently, no State—no State—had a set of standards and assessments in place, as well as curriculum and graduation requirements, that came close to measuring what students need to know when they leave high school.

Through Achieve's American Diploma Project we are working with a network of 30 States that are working to rectify that situation—Virginia is one of them—and we start by working with the State to revise its standards by bringing the governor, the postsecondary leadership, the K-to-12 leadership and the business community together to work on revising the standards so they are anchored in the real world demands that students will face.

About half of the States have completed that process already. The preliminary data that we have suggests that as States do that, that the standards they set are more rigorous, number one; number two, reflect a broader range of skills, particularly the ability to apply what is learned in the classroom in real-world settings much more so than current State standards do; and thirdly as important, the differences between States and their expectations narrow considerably. There is a lot greater degree of consistency in expectations when States anchor them in the analysis of what the real world actually demands of students when they leave high school.

So this provision is very important for creating a set of standards that are really a guide to what happens in the K-to-12 system in ways that will better prepare young people for what they will face afterwards.

There are a couple of ways in which this provision can be strengthened. One is to call for postsecondary to play a greater role in this. It is hard to define college readiness with higher education on the sidelines; having them in a more central role would be particularly important.

Secondly, I think you should recognize that as States pick up this opportunity, they will have standards that are much higher, and they will immediately confront the fact, when they change their tests to be in line with that, they are now further from the 100 percent proficiency timetable than they were before they started this process; and you ought to give serious consideration to allowing those States that do step up to the plate to extend the time line to getting to 100 percent proficient, taking into account they are working toward much higher standards.

The second provision in this bill I would like to comment on is the State Performance Assessment Pilot. I will be brief.

Linda Darling-Hammond spoke eloquently about the need for a richer set of performance assessments. You see that when you look at other countries. This pilot program will provide 10 States, or consortia of States, resources to work together and create those kinds of performance assessments that will better measure written skills and oral skills and will give students an opportunity to demonstrate that they can apply what they learned to real-world problems, where the answers are not fixed, multiple choice, but they have to find the problem first and the figure out a way to solve it,

or promote application of scientific inquiry in real-world ways; and it will help promote effective teaching towards those ends.

So I would encourage you to keep that provision. I think it is well designed and can make a real difference. Now, you also have a pilot program for local assessments, which I am sure you know is highly controversial. I want to add to the controversy a bit.

Chairman MILLER. Thank you.

Mr. COHEN. I am troubled by it for a number of reasons. One is, allowing districts to develop their own assessments I think can lead to a watering down and differentiation of standards. District to district, it steps back from the notion of the common standards measured in a common way for all students; that is one problem.

Secondly, technically, I think, it is going to be very difficult for districts to actually develop those assessments and for States to actually make sure that they are consistent across the State, and if they are proficient in one district, that means proficient in another. So you run the risk of watering down proficiency and subjecting it to more questions.

Finally, I would say the States that we are working with are driving towards common assessments, across States; and the reason we are doing that is, they figured out if they worked together and pooled their resources and had better tests and higher quality that also provide comparability across States. Local assessments will move in precisely the opposite direction. They will only increase the likelihood of poor tests at a higher price with less comparable information. I don't think that is a good way to go.

On the issue of multiple indicators, you will hear a lot about that. I simply want to say that multiple indicators of academic performance, in general, are a good idea. The way they are incorporated in this bill in a compensatory manner, where high performance in one subject or one area can compensate for low performance in another, no matter how narrowly that is defined, I think, sends the wrong signal.

It would be much better to do that in an additive manner, where you hold schools accountable for performance in more areas, because they are all important. It would help limit the effects of narrowing the curriculum that we see now, again like with the college and work readiness standards, if you do it in an additive manner, you put schools in a position of more likely to fail to meet AYP than is currently the case.

I think the remedy for that is not a complex system that trades off performance in one area against another; it is to give them more time to meet more standards. I encourage you to think about that.

Thank you, sir.

Chairman MILLER. Thank you.

[The statement of Mr. Cohen follows:]

Prepared Statement of Michael Cohen, President, Achieve. Inc.

Thank you Mr. Chairman and members of the Committee, for giving me the opportunity to comment on portions of the Discussion Draft proposal for the reauthorization of No Child Left Behind.

Since the early 1990's the concept of rigorous state standards and well aligned assessments have provided the foundation for the nation's sustained efforts to improve achievement for all students. Achieve is an independent nonprofit organiza-

tion that has worked with states over the past decade to help increase the rigor of state standards and the alignment and quality of state tests. In the past several years we have formed the American Diploma Project Network, a partnership of thirty states dedicated to aligning high school standards, curriculum, assessments and accountability with the academic knowledge and skills needed to succeed in postsecondary education and careers. I will draw on Achieve's decade of research and experience in standards based reform to comment on a handful of key provisions in the Discussion Draft, with the objective of suggesting ways this reauthorization can help improve the quality of state standards and assessments. Many of the provisions I address already take important steps in that direction. My focus here will be to suggest ways they can be strengthened.

Postsecondary and Workplace Readiness

The draft recognizes the importance of encouraging states to align high school standards with the knowledge and skills needed for success in postsecondary education and work. This is essential work for every state to undertake. Our research shows that, up until recently, state standards, assessments and curriculum requirements nationwide fall well short of preparing young people for what they will face when they complete high school. In short, when states today tell students they are "proficient", they have no basis for assuring them, postsecondary institutions or employers that they are prepared for what they will do after completing high school.

Through the American Diploma Project Network, more than 20 states are working closely with Achieve to align end-of-high-school standards with the academic skills needed for success in postsecondary education and work. By the end of 2007 we expect that approximately 15 will have completed revising end-of-high-school standards in math and/or English Language Arts, and nearly half have already done so.

Based on what we have learned from working with these states, I would recommend three changes to better ensure that states appropriately define standards that reflect college and work readiness. One is to require that the effort be a joint undertaking of the governor, state education agency, state postsecondary agency and system, and employers, rather than the sole responsibility of the state education agency. The second is to require that the state postsecondary system and employer validate that the resulting standards reflect readiness, and that the postsecondary system in particular will use the results of an 11th grade test aligned with these standards to make decisions about placing students in credit-bearing vs. remedial courses. Absent these requirements, our experience in working with nearly 30 states suggests that postsecondary institutions and employers will see little value in the resulting standards and assessments. These two requirements may be difficult to accomplish within the ESEA reauthorization, but I believe it will be important to do this in order accomplish to objective we share.

Third, an independent review to determine whether the resulting standards and assessments are well aligned is a good idea. However, this is largely a technical task, and is not likely to be performed well by a broadly representative panel. Groups such as parents and educators must be involved in the process, and generally are through the normal process states already have in place when developing, revising and adopting state standards. It would be appropriate for the bill to require their participation in this process, but not as technical reviewers.

The provision provides an important incentive for states to participate in this effort, by tying access to funds provided under the Performance Assessment Demonstration Program to participation in this initiative. Unfortunately, it also creates two powerful disincentives to participation and may therefore not accomplish its intended purpose. The requirement that states have new, well aligned assessments in grades 3-8 and high school in place within two years of completing the standards revision process is unrealistic, though the intent of promoting speedy test development is appropriate. Three years is a more realistic though still tight timeline, and some states may need additional flexibility depending upon when current contracts with test vendors are set to end.

For states that do create systems of standards and assessments aligned with the academic demands of postsecondary education and work, the resulting standards and assessments will be more rigorous than what is currently in place. This has almost uniformly been the case in the ADP Network states. As a result, states and schools that are now barely on track to meet the current AYP requirement of 100% proficient by 2014 will face a higher bar to meet, and a looming deadline to do so. To ensure that states take on the important work of setting rigorous, real world standards for all students, this legislation should recognize the simple fact that reaching higher standards will take more time, and allow for it.

The Education Trust has developed a proposal that would give states that can demonstrate, and validate, that they have developed standards for postsecondary

and workplace readiness the ability to set a new 12-year timeline and adjust proficiency targets such that 80% of high school students would need to demonstrate proficiency at a level that indicates preparation to enter and succeed in credit-bearing courses in four-year colleges and universities, and 95% of students demonstrate basic achievement pegged to entry into postsecondary education, service in the military, and access to formal employment-related training. Meeting these targets would require substantial improvement over current performance levels. I believe that an incentive of this type is both appropriate and necessary to spur needed action in all 50 states, and strongly encourage the Committee to adopt it.

State Performance Assessment Pilot

The pilot program established in Title VI, providing funds for up to ten states or consortia of states to develop statewide performance assessments is an important step to improving the quality of state assessment systems, and enabling states to better measure knowledge and skills that are valued by both employers and postsecondary faculty. This program can help state create assessment systems that are better geared for the global economy students will face, and for well informed civic participation. For example, good performance assessments can measure such communication skills as writing, making oral presentations and using technology, which are difficult if not impossible to measure on large-scale on demands tests currently used to meet NCLB requirements. Good performance assessments can also measure how well students are able to apply the knowledge and skills they have learned in the classroom in real world situations, and help promote instruction aimed at the application as well as acquisition of academic skills. Performance assessments are also particularly important to ensure that students gain a deep understanding of scientific inquiry in addition to the scientific content they are taught. Some states are gaining experience in the use of performance assessments, but the support provided through the proposed pilot program can help more states do so.

This pilot program is well designed. The requirements that states develop assessments that are aligned to state standards and that the same measures that can be used for all students are extremely important. These provisions are necessary to ensure that all students in the state are held to the same standard, and that the state accountability system is based on the appropriate measures. The clarification that state test used for AYP can be administered throughout the year is also very important. It means that states will not need to include all constructed response items and performance tasks in the end-of-year testing window. Instead states can consider moving the multiple choice portion of their tests closer to the end of the year, and spread other tasks out over the course of the year. States should take advantage of this opportunity to test the feasibility of having richer assessments without delaying the reporting of the results.

I strongly encourage the Committee to retain this provision without change, and to work to ensure it is included in the final bill and funded appropriately.

Pilot Program for Locally Developed Assessments

In contrast to the state pilot program addressed above, I don't believe that this pilot program is a good idea. I am aware that some other countries, including high performing countries, rely on local assessments in ways that we do not. Most high performing countries—with national, state or local assessments—operate education systems in a far more coherent policy environment than we do in the U.S., and take different approaches to accountability, professional development for teachers and principals, and other key features of the education system than we do. Consequently, I believe the weight of the evidence of what is likely to happen in the U.S. if this provision is enacted is decidedly more negative than positive, for several reasons.

Since Congress enacted the 1994 Improving America's Schools Act, a fundamental principle of education reform nationally has been the idea that all students and schools in each state should be held to the same standards, as measured by the same test. This has helped make the standards-based reform movement an important tool for improving education equity, and for ensuring that expectations are not watered down for students in high poverty districts. This proposal for local assessments would signal a retreat from that principle, and once enacted would be difficult to reverse.

It will be difficult if not impossible for states to assure that different local assessments are each well aligned with state standards, and permit the appropriate comparisons among schools and districts for AYP purposes. To really meet this standard, it would not be enough for different tests to be statistically "equated" in some manner. Nor would it be sufficient to ensure that local development procedures complied with state and federal requirements. It would be necessary to determine, for

each item and/or performance task, the content that was being measured, the cognitive process that was being called form and the level of challenge for each item, and to determine overall how well the collection of local items in each test aligned with state standards. This is not a procedure that states currently use. Achieve has developed and utilized this approach for two recent studies, of high school graduation tests and of widely used college admissions and placement tests. The methodology is strong enough as a research tool to enable us to draw some basic comparisons across different tests. It is not strong enough to ensure the level of consistency in both the content being measured and the cut scores being used to define "proficient" that is required for different tests used for determining if schools make Adequate Yearly Progress.

Consequently, the use of different local assessments will inherently paint a confusing picture of student and school performance when test results and AYP determinations are made public. The current provisions for defining AYP are already complicated enough for many. The proposed step may well undermine the very notion of "proficient", which is at the core of NCLB. One need only think of the confusion generated when state test results are compared with NAEP results, demonstrating wildly different pictures of the level of proficiency in each state.

Finally, there is growing state interest in developing common assessments across states, on a voluntary basis. Nine states have recently joined together to develop a common end of course exam in Algebra II, and additional states will soon participate as well. This common test is enabling the states to have an exam that is more rigorous, higher quality and less costly than if each did that on its own. Given persistent concerns about the cost of testing, this local assessment provision moves in precisely the opposite direction. It will lead to tests that on average are less rigorous, more costly, and that provide no meaningful comparative information.

My strong recommendation is to drop this provision from the bill. If the Committee decides to keep it, I recommend that it be applied to only a handful of states, and that the Secretary not be give the authority to expand it beyond the pilot phase in this reauthorization.

System of Multiple Indicators

Multiple indicators of academic performance allows for a more complete and revealing picture of each school's strengths and weakness. Accountability assessments in additional subjects are a particularly good idea, as they can combat the trend toward narrowing the curriculum that rightly concerns many educators, parents and policymakers.

The Committee is to be commended for taking up this approach. However, I believe the approach in this bill needs to be strengthened considerably, in order to produce the desired results. Because the provision enables schools to partially compensate for poor performance on some subjects or for some subgroups with performance on other subject matter tests or indicators. I believe it will paint a confusing picture to educators and the public, and set up incentives for states and schools alike to figure out ways to game the system in order to reduce the number of schools that fail to make AYP.

Using performance on tests in subjects beyond math and reading in an additive rather than a compensatory manner is a better idea. It underscores the important of teaching all students a broad rigorous curriculum, and doing this well. It provides a more transparent and easily understood picture of how well a school is doing.

Of course, taking an additive approach with the current AYP requirements will undoubtedly result in a larger number of schools failing to make AYP, now or in the near future. But the state's objective and each school's objective, should be to teach all students what they need to know, not to figure out accounting gimmicks in order to manage the number of schools identified.

To resolve this dilemma in a straightforward manner, states that chose to add additional tests in additional subjects should be required to do so in an additive manner, but for the law to recognize that setting a more rigorous bar in more subjects will likely take many schools longer to reach 100% proficient than if they continue to focus so heavily on reading and math. Therefore, I recommend that states that take this approach be given additional time to reach the proficiency target, as I recommended above.

Disaggregation of Results

I would like to commend the Committee for retaining the requirements for disaggregating required accountability indicators. This has been one of the most significant features of NCLB, and should be retained. The proposed provision that tightens up the use of confidence intervals when disaggregating data is also important, and should be retained as is.

Conclusion

In conclusion, most of the provisions I have addressed here will, or have the potential to, strengthen state systems of standards and assessments, and can better help schools focus on the skills students need to be prepared for what they will face after high school.

Thank you again for the opportunity to offer my views on these issues. I look forward to answering any questions you may have.

Chairman MILLER. Ms. Bray.

STATEMENT OF JANET B. BRAY, CAE, EXECUTIVE DIRECTOR, ASSOCIATION FOR CAREER AND TECHNICAL EDUCATION

Ms. BRAY. Thank you, Chairman Miller, Ranking Member McKeon and members of the committee. On behalf of the over 300,000 career and technical education professionals in this country, I thank you for the invitation to testify.

I think we bring a unique perspective to the education of our students in the P-through-16 system. We realize you have put much time and thought into the proposed bill, and we look forward to working with the committee as it moves forward with this.

We view NCLB as a very important law relating to ensuring the U.S. Future economic competitiveness, as well as a vehicle that ensures students are able to meet their own personal education and workforce goals.

CTE is a major enterprise within the secondary and postsecondary education system. More than 95 percent of all high school students take at least one CTE course, and over a third take at least three sequences of courses in career and technical education before they graduate. In addition, CTE is offered within most of the Nation's 16,000 typical comprehensive high schools, and there are approximately 1,000 CTE centers that offer more in-depth CTE programs that prepare students for further education and, in some cases, direct entry into the workforce.

Given the magnitude of the CTE enterprise, it is vital that career and technical education educators and leaders be active participants in discussions about how to improve schools for the needs of the 21st century and, certainly, discussion regarding the Elementary and Secondary Education Act.

Since our time is limited today and the turnaround time for comment was somewhat short, I am going to focus my comments on a limited number of issues related to high school reform and workforce readiness. However, ACTE has been thinking about reauthorization for some time and has produced a set of recommendations which we did attach to our written comments and submitted to the committee, as well as our position paper on high school reform in general, called Reinventing the American High School. Those have been added to the written testimony.

First, I would like to talk about the Graduation Promise Fund. ACT clearly advocates for focusing American high schools on the goal of preparing every student for full participation in the spectrum of college opportunities, meaningful work, career advancement and active citizenship. We call upon leaders in education to make needed changes in school culture, instructional strategies and organizational priorities that support this purpose.

As my colleague, Mr. Cohen, just said, and others have said, high school is not an end, it is a beginning; and we need to make sure we are preparing students for their next steps for lifelong learning, whatever their next steps are. And every student will be different.

We are very pleased that your bill includes the new Graduation Promise Fund for high schools with the lowest graduation rates to support school-wide improvement activities. Far too long, secondary schools have been left behind, and we believe this is one of the contributing reasons we see U.S. student performance stagnate and fall as learners get closer to graduation. As a nation, we have not focused the time and attention necessary related to the issue of quality secondary schools.

While we have included a set of nine recommendations that we believe are critical to improving the system, these recommendations recognize that teaching and learning in the United States must change if we are to have a skilled workforce required to meet the challenges of the 21st century. An important facet of this change includes a focus on the technical and soft skills that students need in addition to the basic academic knowledge that is required in the workforce.

I want to emphasize this point. A recent report by ACTE entitled, Ready for College and Ready for Work, provides empirical evidence that the levels of readiness that high school graduates need to be prepared for college and workforce training programs are comparable. Furthermore, the report shows that both academic and technical skills can be required through rigorous high school courses regardless of the context within which they are taught.

We are sometimes worried that we are focusing only on academic rigor without giving equal consideration to the context and delivery of this knowledge or the skills that students will need in the 21st century. Career and technical education is directly connected to the needs of this industry, and many of these programs are leading the way on how to incorporate academic and technical skills into secondary programs, which leads me to the comments on postsecondary and workforce readiness.

We commend the committee for including a new section in the legislation focused on postsecondary and workforce readiness. Its language provides funding incentives to States and localities to ensure vertical alignment from grade to grade and with what students need to know in order to be successful in postsecondary education in the workplace. We believe the addition of this language begins to address our call to require States to develop content standards, assessments and teacher quality standards that are aligned with postsecondary and industry standards.

We believe this new section is affirmation that alignment in secondary, postsecondary and workforce standards is critical to ensure a competitive workforce. It only makes sense that schools and industry improve communication so that education is a continuum and a seamless pipeline for entering the workforce. We are hopeful the States will take advantage of this proposed new source of funding, and ACT is prepared to help States to incorporate this. If schools are not providing students with the skills needed to enter the workforce, then we as an education system have failed.

We hope the committee will consider additional language that encourages academic and technical skill integration. Incentives should be provided in the bill for research and dissemination of best practices related to this issue. Such integration provides relevance of core academics for many students who are at risk of dropping out because they have become disengaged. Students at schools with highly rigorous academic and CTE programs have significantly higher student achievement in reading, mathematics and science than students at schools with less integrated programs.

The 2004 National Assessment of Vocational Education report found that occupational concentrators increase their 12th grade test scores on the National Assessment of Educational Programs, the NAEP program, by 8 scale points in reading and 11 points in math, while students who took little or no career and technical educational coursework increased their reading by only 4 percent.

Chairman MILLER. I am going to ask you if you can wrap up, please. Thank you.

Ms. BRAY. We do want to very carefully and strongly say that surveys have indicated that students need the important employability skills—oral and written communication, work ethic, critical thinking, problem solving. These skills are very important to employers and need to be combined with the academic skills.

Our recommendation calls for a definition of graduation responding to the graduation rates by subject and skill competency rather than by seat time. We recommend that graduation on skills competency link to the workforce needs and postsecondary standards on time frame a standard number of years. We also encourage you to look at 5 years flexibility, for 5 years versus just 4 years, as many students do take 5.

We believe the committee has moved in the right direction with the development of the NCLB draft bill. I urge you and other members of the committee to take the time necessary to fully explore the effects of the new proposals in legislation and put into place a new law that builds upon and improves the 2001 legislation.

Chairman MILLER. Thank you very much.

[The statement of Ms. Bray follows:]

Prepared Statement of Janet B. Bray, CAE, Executive Director, Association for Career and Technical Education

Chairman Miller, Ranking Member McKeon and Members of the Committee: On behalf of career and technical education professionals in the United States, thank you for the invitation to present testimony today. CTE is a major enterprise within the United States' P-16 education system. More than 95 percent of high school students take at least one CTE course during their high school career, and about one third of high school students take a concentration of three or more related CTE courses before they graduate.

In addition to CTE courses offered within most of the nation's more than 16,000 typical high schools, there are approximately 1,000 regional CTE centers that offer more intensive CTE programs preparing students for further education, and in some cases for direct entry into the workforce. A large number of high school reform strategies and new small schools employ interest-based programs, including CTE, as a way to increase motivation and student engagement. Further about one third of all students in postsecondary education are considered to be in postsecondary career and technical education programs.

Given the magnitude of the CTE enterprise in secondary and postsecondary education, it is vital that CTE educators and leaders be active participants in discussions about how to improve schools for the needs of the 21st century, and the discussion about No Child Left Behind. We realize you have put much time and thought

into the proposed bill and look forward to working with the Committee as NCLB is reauthorized. We view NCLB as a very important law related to ensuring the United States' future economic competitiveness, as well as the vehicle that ensures students are able to meet their own personal education and workforce goals.

Since our time is limited today and the turnaround time for comment has been short, I am focusing my comments on a limited number of issues related to high school reform and workforce readiness. However, ACTE has been thinking about the reauthorization for some time and has produced several sets of recommendations that inform this discussion. I am attaching the full set of our NCLB recommendations and the Executive Summary of our high school reform position paper as addendums to my testimony.

Graduation Promise Fund

ACTE advocates for clearly focusing American high schools on the goal of preparing every student for full participation in a spectrum of college opportunities, meaningful work, career advancement, and active citizenship. We call upon leaders to make needed changes in school culture, instructional strategies and organizational priorities that will support this new purpose

We are very pleased that your bill includes a new Graduation Promise Fund for high schools with the lowest graduation rates to support school-wide improvement activities. For far too long NCLB has provided support primarily to elementary schools. Secondary schools have been "left behind" and I believe that is one of the contributing reasons we see U.S. student performance stagnate and fall as these learners get closer to graduation. As a nation, we have not focused the time and attention necessary related to this issue of quality secondary schools.

ACTE's high school reform position paper entitled "Reinventing the American High School for the 21st Century" includes a set of nine recommendations that we believe are critical to improving the system. The recommendations recognize that teaching and learning in the United States must change if we are to have the skilled workforce required to meet the challenges of the 21st Century. An important facet of this change includes a focus on the technical and "soft" skills that students need in addition to the basic academic knowledge that is required in the workforce.

I want to emphasize this point. A recent report issued by ACT entitled "Ready for College and Ready for Work: Same or Different" provides empirical evidence that the levels of readiness that high school graduates need to be prepared for college and for workforce training programs are comparable. Further, the report shows that both academic and technical skills can be acquired through rigorous high school courses, regardless of the context (academic or career focused) within which they are taught.

Indeed Mr. Chairman, I sometimes worry that we are focusing only on academic rigor without giving equal consideration to the context and delivery of this knowledge or the workforce skills that students will need in the 21st Century. Career and technical education is directly connected to the needs of business and industry. And many of these programs are leading the way on how to incorporate both academic and technical skills into secondary programs.

Postsecondary and Workplace Readiness

In addition to the Graduation Promise Fund, ACTE commends you for including a new section in the legislation (Section 1111A) focused on Postsecondary and Workplace Readiness. This language provides funding incentives to states and localities to ensure vertical alignment from grade to grade and with what students should know in order to be successful in postsecondary education and the workplace.

ACTE believes the addition of this language begins to address our call to "require states to develop content standards, assessments, and teacher quality standards that are aligned with postsecondary and industry standards," a recommendation included in another of our position papers, "Expanding Opportunities: Postsecondary Career and Technical Education and Preparing Tomorrow's Workforce." We believe this new section is affirmation that alignment of secondary, postsecondary, and workforce standards is critical to ensure a competitive workforce. It only makes sense that schools and industry improve communication so that education is a continuum and a seamless pipeline for entering the workforce. We are hopeful that states will take advantage of this new source of funding and ACTE stands prepared to help support states as they incorporate this important provision of the law. If schools are not providing students with the skills needed to enter the workforce, we have failed.

Academic and Skills Integration

While the Graduation Promise Fund and Postsecondary and Workplace Readiness additions are a good start, I hope the Committee will consider additional language

that encourages academic and technical skills integration. Incentives should be provided in the bill for research and dissemination of best practices related to this issue. Such integration provides relevance of core academics for many students who are at risk of dropping out because they have become disengaged.

Students at schools with highly integrated rigorous academic and CTE programs have significantly higher student achievement in reading, mathematics and science than do students at schools with less integrated programs, as reported by the Southern Regional Education Board. The 2004 National Assessment of Vocational Education (NAVE) Final Report found that occupational concentrators increased their 12th grade test scores on the National Assessment of Educational Programs (NAEP) by 8 scale points in reading and 11 point in math, while student who took little or no career and technical education course work increased their reading on NAEP by only 4 points and showed no improvement in mat achievement.

Multiple Indicators

I commend the Committee for tackling the difficult issue of multiple indicators. I realize there is a lot of concern about how to incorporate multiple measures into the current NCLB accountability provisions. ACTE believes that multiple assessments offer a better picture of student achievement than a single assessment. Although this is a difficult task, the new NCLB must identify ways to incorporate these multiple measures of student progress.

ACTE strongly believes that multiple measures should allow the use of CTE credentials and measurements. In addition, our recommendations ask that NCLB give schools credit, and incorporate into accountability, the learning that takes place in work-based and other contextual types of education that is gained outside of the traditional classroom. NCLB is setting the parameters for what is important for students to learn and clearly, skills in addition to core academics are just as important. Explicit language allowing states to use such credentials and measurements is important and would improve the bill.

A survey performed in the spring of 2006 by the Conference Board, Corporate Voices for Working Families, the Partnership for 21st Century Skills and the Society for Human Resource Management indicates that too many of our students are not prepared for the workplace. The survey indicates that over one-half of new workers are deficiently prepared in the most important skills: Oral and Written Communications, Professionalism/Work Ethic, and Critical Thinking/Problem Solving. In fact, this report indicates that these skills are more important to employers than basic levels of knowledge. I want to be clear to note that the report is not saying that basic core academic skills are not important, but that these "soft skills" are more important for employers.

The report notes that this ill-preparedness comes at a particularly inopportune time for Americans, a time when baby-boomers like you and I, Chairman Miller and Ranking Member McKeon, are retiring and leaving the workforce. If we do not consider student performance with relation to technical skills and the "soft skills" that students need in order to perform in the workplace, we are falling short.

Graduation Rates

ACTE acknowledges the need for consistent definitions related to graduation and completion. Although we would rather see state development of a common definition of graduation we recognize the difficulty of this endeavor. We also would ask that the new NCLB not make it a disincentive for schools to reenter students who have dropped out of school. CTE's focus on applied learning reengages many high school dropouts who come back into the system—I call them "drop in" students. The law should support schools that do this important work.

Our recommendations call for a definition of graduation by subject and skills competency rather than by "seat time." ACTE recommends basing graduation on skills competency that is linked to workforce needs and postsecondary standards rather than on timeframe of "standard number of years" as currently defined in NCLB.

Many CTE programs are leading the way with regard to concurrent enrollment and middle college programs but the rigidity of NCLB with regard to the strict timeline by which students much graduate threatens to hinder such innovative initiatives. For instance, some students do not receive their high school diploma until after their fifth year of study; however, these students are taking five years to graduate because they also are earning an associate degree during that same time. This is but one example of why we should measure competency rather than "seat time."

While we appreciate the inclusion of the option for a 5 year graduate rate in the draft legislation, we are concerned about the complexity related to these provisions and hope that does not deter schools from implementing the option.

Guidance and Career Development

Lastly but certainly not least, I strongly urge you to review what the draft bill includes in terms of guidance and career development. Links to career exploration help to provide relevancy and understanding about why core academic knowledge is so important for students' future postsecondary and workforce aspirations. A cursory review of the draft legislation indicates more needs to be included in this area. I could only find one reference in the bill to "career counseling."

The most recent iteration of the Carl D. Perkins Career and Technical Education Act (Perkins) includes a strong link to career development through the new requirement that states must includes at least one "program of study." These "programs of study" are very similar to and build on, positive initiatives already underway in CTE programs around the county such as Tech Prep, career pathways, career academies, and career clusters. The Perkins language will be of great benefit to CTE students, but similar language should be considered for NCLB for the benefit of all students.

ACTE has strongly supported the development of individual graduation plans for all students. These plans map a defined program of student on how to reach academic and career goals and are an important component of providing individualized instruction tailored to the unique academic needs of each student.

In closing, I would like to again thank the Committee for including the career and technical educator's voice as part of the NCLB discussion. ACTE believes there are distinct purposes and reasons to have both NCLB and Perkins as two separate and distinct laws, but there is much more that can be done to align the two pieces of legislation to ensure that both academic and technical skills attainment is provided to all students.

The Committee has "moved in the right direction" with the development of the NCLB draft bill. I urge you and the other members on the Committee to take the time necessary to fully explore the effect the new proposals in the legislation and to put into place a new law that builds upon and improves the 2001 legislation.

I am happy to answer any questions.

The Association for Career and Technical Education (ACTE) is the nation's largest education association dedicated to the advancement of education that prepares youth and adults for successful careers. For more information, contact: Steve DeWitt (sdewitt@acteonline.org) or Alisha Hyslop (ahyslop@acteonline.org), ACTE, 1410 King Street, Alexandria, VA 22314, (703) 683-3111, (703) 683-7424 (Fax), *www.acteonline.org*.

Addendum 1

RECOMMENDATIONS FOR THE REAUTHORIZATION OF NO CHILD LEFT BEHIND

Career and technical education (CTE) is a major and long-standing enterprise within the United States' education system that has evolved to meet 21st century needs. More than 95 percent of students take at least one CTE course during high school, and the strengths and resources of CTE play an important role in improving outcomes for all students. Building on these strengths and resources, the Association for Career and Technical Education presents the following recommendations for the reauthorization of the No Child Left Behind Act. We urge Congress to incorporate these principles into the reauthorized legislation in order to support enhanced student achievement. While not specifically addressed in the recommendations, it is important to note the relationship between adequate funding and the law's promise. Successful NCLB implementation will be jeopardized by merely redirecting funds from existing quality programs or under-funding new initiatives. A true commitment to both improved policy and adequate resources must be adopted if NCLB is to be successful.

Recommendation 1: Integrate Academic and Technical Education to Better Engage and Prepare Students for Their Futures

- Align NCLB to the Perkins Act through the use of programs of study, and encourage schools to use CTE courses to support students working to meet academic proficiency.
- Give schools credit, and incorporate into accountability, the learning that takes place in work-based and other contextual types of education that is gained outside of the traditional classroom.
- Require states to develop content standards, assessments, and teacher quality standards that are aligned with postsecondary and industry standards.
- Provide schools incentives to integrate academic coursework such as math, science and language arts, with CTE coursework.

• Provide funding for state- and professional organization-led initiatives for gathering, organizing, and disseminating integrated lesson plans and curriculum frameworks.

Recommendation 2: Support Comprehensive Guidance and Career Development Strategies to Assist Students in Determining Clear Pathways to Postsecondary and Workforce Goals

• Recognize the importance and need for leadership and policy to implement comprehensive guidance programs throughout the P-16 system.
• Ensure adequate resources for career development and planning across the education continuum.
• Encourage schools to develop individual graduation plans for each student that map a defined program of study on how to reach academic and career goals.

Recommendation 3: Increase the Focus on Secondary School Completion through Comprehensive Dropout Prevention and Reentry Strategies

• Provide incentives and eliminate disincentives for schools to register "drop in" students—students that are returning to continue their education.
• Develop a consistent definition of secondary school "dropout."
• Support research and development for flexible re-entry and completion programs, including those that employ career development and CTE strategies.
• Ensure federal flexibility for reporting "extended-time" graduation rates.
• Require schools to disaggregate and report dropout and graduation data.
• Put additional emphasis on secondary school completion rates within calculations for Adequate Yearly Progress.

Recommendation 4: Ensure that Highly Effective Educators are Supported, and Available Across the Curriculum in All Schools

• Require that federal professional development funding support integrated academics and contextual teaching strategies for academic teachers and CTE teachers.
• Ensure that federal professional development funding specifically focus on supporting administrators in their role as educational leaders and creating an environment where rigor and relevance spans across all course offerings.
• Invest in research on curriculum structure and teaching methodology.
• Maintain flexibility in defining highly qualified teachers, such as through the use of provisions like HOUSSE, to ensure that schools are able to recruit and retain professionals from a variety of backgrounds and through alternative pathways.

Recommendation 5: Improve Adequate Yearly Progress and Accountability Provisions to More Accurately Reflect Student Learning Progress

• Give schools credit for growth in student achievement, even if AYP is not fully met.
• Allow the use of multiple assessments to measure student progress, including the use of CTE credentials and measurements.
• Define graduation by subject and skills competency rather than by "seat time."
• Focus accountability more on incentives rather than sanctions.

Recommendation 6: Provide Support and Incentives for Innovation, Replication and Improvement

• Promote dual and concurrent enrollment programs for secondary-postsecondary CTE programs, which enable students to accelerate learning while gaining technical skills.
• Ensure dissemination of best practices so that all schools, districts and states have access to successful strategies and programs that can be replicated.
• Support the development of robust, dynamic and integrated data systems that provide a clear picture of each student's educational progress.
• Create incentive grants for states and state consortia to focus on multi-pronged high school redesign strategies, and promote close linkages at the state and local levels with CTE strategies.
• Encourage better links between secondary and postsecondary education such as improved alignment between high school assessments/exit exams and college entrance exams.

Addendum 2

EXECUTIVE SUMMARY: REINVENTING THE AMERICAN HIGH SCHOOL FOR THE 21ST CENTURY

The Association for Career and Technical Education (ACTE), on behalf of career and technical Education (CTE) professionals in the United States, advocates for

clearly focusing American high schools on the goal of preparing EVERY student for full participation in a spectrum of college opportunities, meaningful work, career advancement, and active citizenship. We call upon leaders to make needed changes in school culture, instructional strategies and organizational priorities that will support this new purpose. CTE is a major enterprise within the United States' P-16 education system. More than 95 percent of high school students take at least one CTE course during their high school career, and about one third of high school students take a concentration of three or more related CTE courses before they graduate. In addition to CTE courses offered within most of the nation's more than 16,000 typical high schools, there are approximately 1,000 regional career technology centers that offer more targeted and technology-intensive CTE programs preparing students, both young people and adults, for further education, and in some cases, for direct entry into the workforce. Further, a large number of high school reform strategies and new small schools employ interest-based programs, including CTE, as a way to increase student motivation and engagement. Given the magnitude of the CTE enterprise, it is vital that CTE educators and leaders participate in the important discussion about how to redesign American high schools for the needs of the 21st century and bring CTE's resources and areas of expertise to that discussion. In our discussions about high school redesign, we suggest a number of strengths and resources CTE can bring to the table for overall high school improvement. To provide clarity for the role of CTE, we suggest a three-fold purpose of career and technical education at the secondary school level. CTE should:

- Support students in the acquisition of rigorous core knowledge, skills, habits and attitudes needed for success in postsecondary education and the high-skilled workplace;
- Engage students in specific career-related learning experiences that equip them to make well-informed decisions about further education and training and employment opportunities; and,
- Prepare students who may choose to enter the workforce directly after high school with levels of skill and knowledge in a particular career area that will be valued in the marketplace. In light of the current and future challenges facing our youth, the members of ACTE believe a new working model for high school is long overdue. We make the following recommendations to help guide the reinvention of the American high school:

Recommendation 1: Establish a Clear System Goal of Career and College Readiness for All Students

All students need a strong arsenal of reading, comprehension, reasoning, problem-solving and personal skills to be ready for the world of meaningful postsecondary education and training as well as entry into the high-skilled workplace. Standards should be aligned to the demands of career and college readiness, and all students should be challenged to enroll in a rigorous college and career readiness curriculum. Extra help, including structured transition services, should be provided to support this curriculum, and opportunities for additional advancement across broad areas should be provided. Traditional academic and CTE teachers must share the goal of preparing students for both further education and careers.

Recommendation 2: Create a Positive School Culture that Stresses Personalization in Planning and Decision-making

At a minimum, every student should be led through a process of academic and career awareness, exploration, and planning. This should include learning about the economy and career options, self-assessment for areas of interest; deeper exploration of how personal interests relate to career opportunities and gaining education and career decision-making skills; and knowledge and understanding of local, state, and national educational, occupational, and labor market opportunities, needs, and trends. Policies must be in place to ensure that career development and postsecondary planning are core activities within the high school as part of a comprehensive guidance program. Each student, and his or her parents/guardians, should develop an individualized plan for graduation and beyond that will guide the high school experience.

Recommendation 3: Create a Positive School Culture that Stresses Personalization in Relationships

Schools remain one of the best opportunities for connecting youth and adults in positive ways, giving students the sense that they are valued and cared for, and reinforcing the message that whether they succeed or fail actually matters to someone. A system goal must be to help every youth become involved in structured activity that strengthens positive relationships with peers and adults and encourages the student's sense of confidence and belonging in school. These activities could include

advisory periods, smaller learning communities, co-curricular interest-based activities—such as career and technical student organizations (CTSOs)—or other activities that provide a positive adult relationship.

Recommendation 4: Dramatically Improve How and Where Academic Content is Taught

Teachers and researchers must work together to identify strategies that show promise for helping all students attain proficiency in high-level courses. As each state refines and clarifies its standards for career and college readiness, it should recognize that "academic" skills can be acquired in a variety of settings, not just the traditional academic classroom. The achievement problem is not just one of low-level course-taking; it is also related to unfocused curriculum and instructional methods that are not reaching all students. Integration of academic competencies into CTE curricula and of real-world content and applied methods and examples into traditional academic classes can raise student achievement levels and increase understanding of rigorous concepts. Flexibility must be in place for delivering academic content across the curriculum.

Recommendation 5: Create Incentives for Students to Pursue the Core Curriculum in an Interest-based Context

From across the school reform spectrum, there is ample evidence that connecting rigorous academic expectations with the relevance of an interest-based curriculum can help connect students to learning in powerful ways. Interest-based areas can be organized around various broad themes, such as the fine arts, or more specific themes like biotechnology, pre-engineering, hospitality, and finance. There must be resources and policies in place to support the development, implementation, and review of these interest-based areas.

Recommendation 6: Support High Quality Teaching in all Content Areas

The No Child Left Behind Act creates mechanisms for assuring that every teacher in the academic core subjects is highly qualified, meaning the teacher holds a bachelor's degree or higher, grasps content at a deep level and can teach that content effectively. The crux of these standards, deep knowledge of content and skills in effective teaching methods, should apply to CTE teachers as well, including those entering the teaching profession through traditional teacher education programs and those transitioning into teaching from business and industry through alternative certification programs. CTE teachers should be able to demonstrate content mastery through a method appropriate to their areas of expertise, utilizing industry-based credentials or assessments aligned with career clusters where available. An expanded focus must be placed on professional development for all teachers in academic and technical integration and contextual teaching strategies.

Recommendation 7: Offer Flexible Learning Opportunities to Encourage Re-entry and Completion

True quality high school reform must include effective strategies to re-engage and reconnect young people who have failed or are in danger of failing to complete high school. These young people have been failed by the current high school system. With a national graduation rate of approximately 71 percent, millions of young people are out of school and grossly ill-equipped to compete in the 21st century workforce and economy. To reform high school without a strategy to re-engage these young people who have already dropped out would be to abandon them to, and accept the social costs associated with, bleak futures marked by reduced earning potential, poverty, crime, drug abuse, and early pregnancy. High schools must provide a continuum of flexible interest-based learning opportunities that utilize effective teaching methodologies and are responsive to students' varied needs and life circumstances.

Recommendation 8: Create System Incentives and Supports for Connection of CTE and High School Redesign Efforts

In many states and school districts, CTE leaders are providing the major impetus and resources for rethinking the instructional and organizational design of the traditional high school. However, in some locales, superintendents, school leaders and school reform advocates are reportedly overlooking the role of CTE in providing meaning, relevance, and experience in deeply contextualized learning of subject matter. This oversight will limit the effectiveness and impact of the high school redesign agenda. Policymakers at the federal, state and local levels should see academic and interest-based courses as complementary of one another, and create initiatives that support rich, interest-based programs to be built around a core of rigorous academic expectations.

Recommendation 9: Move Beyond "Seat-Time" and Narrowly Defined Knowledge and Skills

U.S. high schools operate on a well-established set of expectations for size, time of day and seasons of the year that programs and classes are offered, how instructional material is delivered and what constitutes success in terms of the students' knowledge and skills. In order for our education system to adopt the new goal of getting every student ready for careers and college, we suggest a shift in focus to the underlying principles for what students learn and how we teach it, including what knowledge and skills are measured, how students are asked to demonstrate their knowledge and skills and how school is offered for all young people, particularly for the many students who are currently disengaged and leaving, or have already left, the traditional high school. Clearly, we believe that CTE courses and instructional methodologies have a place in the high school environment, and that there should not be an artificial split between academic coursework and vocational studies, nor should exposure to CTE-type coursework be delayed until late in high school or college. Rather, we believe that all coursework, with clearly articulated standards and expectations, can help build within students the mix of skills, aptitudes and attitudes they will need for success after high school. Designing American high schools around the needs of students in the present and the future requires honesty, courage, and a willingness to change familiar structures and practices in the best interests of our young people. Real change, made for the right reasons and toward the right mission, will yield dramatically better results and a more hopeful future for America's young people and for our national economic and cultural well-being.

Chairman MILLER. Mr. Gong.

STATEMENT OF BRIAN GONG, EXECUTIVE DIRECTOR, THE NATIONAL CENTER FOR THE IMPROVEMENT OF EDUCATIONAL ASSESSMENT

Mr. GONG. Members of the committee, I am glad to be here and offer these comments on the discussion draft.

For the past 20 years, I have been working on assessment and accountability, primarily at the State level, to help foster student achievement and school capacity. I know firsthand the positive influence that good assessment and sound accountability systems can have to promote equitable school learning and deep school improvement. I also know the difficulties of doing it right.

I am grateful to be in this setting because States usually do this with their State accountability systems, but they do it much more frequently than every 5 years, and thereis a much tighter conversation about how to evaluate the legislation implementation and capacity.

Because I work primarily on the technical side, I had several comments on the technical aspects of the current legislation and the discussion draft. I was a member of the ESEA expert panel; I think you all have received this report. These have some of the larger points; I will mention three specific examples of how technical things make a difference.

People mentioned about whether the standards were rigorous enough. In 2004-2005, over half of the States had already identified at least one out of five of their schools as not meeting AYP; seven States had identified over half of their schools. That number will be higher this year, and it will go up next year when the AMOs go up.

Others have shown that the rigor of State standards are not related to their NAEP performance.It is simply not true that States that are low performing on NAEP set their standards low, so we

need to look at empirically what the relationship is between the rigorous State standards and what we can do about it.

Here is a second point. The "minimum-n" subgroup sizes and the confidence intervals are important safeguards to make reliable accountability decisions. Our studies show that a 95 percent confidence interval for the overall decision, rather than for each subgroup content area, as proposed in the discussion draft, would help avoid misclassifying as many as 20 percent of the schools; that is, this classification rate is high now and people are worrying about what to do about it. There is technical advice that can help you pick the right one if you are concerned about accuracy in schools.

The third example is, I think it is clear to be more valid school accountability should be broadened to include student growth. Unfortunately, our studies and others show that the way that growth has been defined by the U.S. Department of Education in its growth model pilot actually hardly differs at all from percent proficient. In the first, year, two States had about 2,200 schools. The growth assessment only made a difference in 8 of those schools. We will see how many it makes this year. We are in favor of growth; it is really important how it is measured.

What I would like to spend the rest of my time on is supporting the draft's vision of investing in future assessment; particularly I strongly support provisions in the discussion draft that include support for a wider and more valid set of assessments including the performance and local assessment pilots. This is not about going soft on accountability; this about creating a census to develop assessments that more validly reflect what the next generation—not this one, the next generation—what America's students truly need to know and be able to do.

The first is that, as people mentioned, this legislation will help us attend a very important skill simply not possible to assess well in current traditional assessments. The time that we have for assessments—people are running about an hour to 2 hours; it is 50 questions, often multiple questions with two or three short-answer questions. The logistics simply will not allow us to assess the things that are most important, particularly for college and work readiness.

Interestingly, Massachusetts, among other States, looked at what was going on with their dropouts, and they found out that a significant proportion of the students who dropped out had already passed Massachusetts's rigorous exit exam. The students weren't lacking in the basic skills, there were a number of other things; and that is true for college success. So we need to have assessments that will look at the most important things.

The second is that this draft, discussion draft, provides an investment in the future infrastructure of assessment. For example, currently, our children play computer games that already immerse them in realistic role-playing situations, distributed group competitive strategies and that support voice and motion recognition. I can't imagine that in 20 years computers won't be more advanced, but I can imagine that unless we make this type of investment, educational testing in 20 years will be exactly the way it is now. You may have some computer adaptive assessments, but it won't be testing anything more important. This bill is an important step

in the right way. This is not about watering down accountability; this is about laying the foundation for more valid assessments.

I believe that universities' research centers and private sector together can help bring this about, but it needs the Federal sponsorship as a catalyst to provide the focus. People have been interested in this type of assessment for many years. It has never become practical; it would have a better chance if we had the type of pilot programs that are sponsored here. It is a good time for midlevel course corrections and for investing in college-ready performance and local assessments.

A valid accountability requires valid assessments. I urge Congress to support the suggestions made for reauthorization today. Thank you.

[The statement of Mr. Gong follows:]

Prepared Statement of Brian Gong, Executive Director, the National Center for the Improvement of Educational Assessment

Chairman Miller, Congressman McKeon, members of the Committee, I am Brian Gong, Executive Director of the National Center for the Improvement of Educational Assessment. I appreciate the opportunity to offer my comments and encouragement to substantially improve No Child Left Behind assessment and accountability provisions in the reauthorization of the Elementary and Secondary Education Act.

For the past 20 years—long before No Child Left Behind—I have worked on improving assessment and accountability systems to help foster student achievement and school capacity. I know firsthand the positive influence that good assessment and sound accountability systems can have to promote equitable student learning and deep school improvement. I also know the difficulties of doing it right. As a research scientist at Educational Testing Service in the 1980's I worked on developing innovative instructional assessments that would support classroom learning and teaching. In the mid-1990's I served as the Associate Commissioner of Curriculum, Assessment, and Accountability in the Kentucky Department of Education. (Kentucky, one of the first and longest-tenured state accountability systems, is notable for tackling the technical challenges of scoring, reliability, and large-scale administration of performance-based, non-multiple choice assessments. Kentucky still uses a writing portfolio in its accountability system.) Our non-profit Center for Assessment is currently working with 20 states across the nation to provide technical assistance in one form or another to support assessment and accountability systems that are educationally and technically sound. The Center for Assessment is also regularly called upon to provide technical assistance in these areas, by groups including the U.S. Department of Education, the Council of Chief State School Officers, and the National Center on Education Outcomes. I recently served on the Expert Panel on Assessment convened by the Forum on Educational Accountability; the final report, Assessment and Accountability for Improving Schools and Learning (2007) is available here today and addresses in more depth many issues relevant to reauthorization. The Center for Assessment is also working on areas outside of NCLB, including formative assessment and college readiness with some states and organizations including Achieve and the Gates Foundation.

My comments fall in two main areas:

- I applaud the recognition for some mid-course corrections to ESEA. Several of the provisions of the discussion draft respond to concerns, but need some tuning in the legislative solutions.
- I strongly support provisions in the discussion draft that move from fixing "what is" to pointing us where we need to go in the future of assessment and accountability.

Some Mid-Course Corrections

I comment on several areas in the discussion draft that courageously acknowledge some problems in the 2001 legislation and undertake making mid-course corrections.

1. To be more valid, school accountability should be broadened to include student growth. Everyone is concerned about whether schools helped students learn during the year, not just how high they scored. Unfortunately, our recent studies show that the way that growth has been defined by the U.S. Department of Education in its Growth Model Pilot program actually hardly differs from Status (percent proficient).

Reauthorization should include a true pilot of how growth could effectively be measured and used for accountability.

2. It absolutely makes sense to distinguish between a school that fails to meet a few of the hurdles from a school that fails to meet many. But, there are many cases where performance of one or two subgroups are not only very important but can be measured very reliably. Reauthorization should consider ways to make meaningful, reliable distinctions besides just counting the numbers of students and subgroups and making a decision each year.

3. "Minimum-n" subgroup sizes and especially confidence intervals are important safeguards to support making reliable accountability decisions. Setting common thresholds across states makes sense from a technical standpoint. Hopefully the final reauthorization version will alter slightly the thresholds. Our studies show that a 95% confidence interval for the overall decision—rather than for each subgroup/content area decision—would help avoid as many as 20% of the schools being misidentified.

4. In my opinion, the aspirational goal of 100% of the students proficient by 2013-14 is not a credible goal. It is possible to define goals that will be challenging, rigorous, equitable, and possible. In 2004-05 over half of the states had already identified at least 20% of their schools as not meeting AYP; seven states had identified over half of their schools. Even more will be identified next year when the AMO targets are increased. The reauthorization must address this fundamental issue.

5. Working with states on accountability issues over the past 15 years, I have become more convinced that strong accountability systems are important, and can be helpful, but are not enough. In fact, many schools do not know what to do to improve, and many face serious structural barriers, such as hiring and retaining strong teachers who are effective with the students in the school. The reauthorization and any school improvement plan must have a better theory of action than saying "Clear goals and strong sanctions will motivate schools and districts to solve this problem." I simply do not believe that is true; it is not a helpful characterization of the problem or the solution to improving American education. The discussion drafts attention to improved professional development, coupled with an improved accountability system is a step in the right direction, but needs to go much further in terms of strong models of support.

6. We need to work to include accountability special populations in meaningful ways. However, our current attempts at assessment of students with disabilities and students with limited English proficiency reflect more noble policy aspirations than sound measurement. Reauthorization should take a more realistic look at what is scientifically known about good assessment and learning, and inform the accountability requirements accordingly.

7. Much of the complaints from the states reflect not so much the statute, but the process of interacting with the U.S. Department of Education. Reauthorization would do well to attend to how the process of interpreting, enforcing, and supporting the implementation of the law is done, not only by the states, but also by the federal Executive Branch.

8. I think that content standards, assessments, and accountability must be yoked together with equally strong curriculum and instruction in order to have effective learning and teaching. I do not believe that movement towards federal or national standards can be effective without equal attention to curriculum. Reauthorization must pay attention to the debate of the proper role of the federal government in establishing supra-state standards.

Support for Draft's Vision of Investing in Future Assessment

I strongly support provisions in the discussion draft that include support for a wider and more valid set of assessments, including performance assessments. This is not about going soft on accountability. This is about creating incentives to develop assessments that validly reflect what the next generations of American students truly need to know and be able to do. The proposed legislation is a good step in that direction.

Some people may portray this as a backdoor attempt to water down accountability or to undermine rigorous standards. I don't read the discussion draft that way, and I wouldn't support it if I thought it did. I read the draft as providing incentives to try to develop more advanced assessments, including performance-based assessments; it provides a clear mandate that such assessments are not to be used for accountability unless and until they meet rigorous criteria administered by the U.S. Department of Education. It's my professional opinion that there is a pressing need for these more valid assessments for accountability, and that it will be possible to include local and performance assessments for accountability in ways that reliable, valid, and credible.

I support the discussion draft's attention to three longer-term needs in assessment.

1. It helps us attend to some very important skills that are simply not possible to assess well in current traditional assessments, particularly several aspects associated with college and work readiness.

Problems of college readiness will not be solved largely by having a more stringent graduation standard, a longer end-of-course exam in Algebra, or federal performance standards for what it means to be proficient. Certainly we need to ensure that high school students have the academic knowledge these things represent. But success in college and success in life requires a whole set of additional skills than are currently being assessed. These skills have been called "habits of mind" by some. That's a fancy title, but the skills are familiar—extended problem solving, ability to do research, write clearly, monitor one's own performance to be sure it is appropriately accurate and precise. In addition, we've heard for decades that employers care more about what graduates can do than what they know, and even more about how they actually perform in real world settings, not the artificial confines of a standardized test. That's why employers and colleges are both interested in performance assessment and documentation of such things as ability to communicate well orally, ability to work well in a small group, honesty, self-discipline, responsibility for getting the work done.

I believe that we all would agree that such things are important and that such things are not being assessed at all in our current assessments. I believe that we can do much more to assess such vital college readiness skills, and do it in a way that is valid, reliable, affordable, credible, and useful. The alternative is to do nothing. And then, even if the grand goal of NCLB is reached in 2013-14, we'll find that we have students who can spit back answers on a multiple-choice test, with perhaps a few short answers, and even perhaps solve some pretty hard Algebra items about polynomial functions—but they may not be any better prepared to succeed in college, work, or life. The discussion draft represents an attempt to seize this opportunity to invest even a modest amount in assessing those essential learning skills that really matters, which we're not doing now.

2. It provides an investment in the future infrastructure of assessment, such as complex performance assessments, the use of technology, and advanced psychometric models that incorporate what is known about how people learn.

It is true that there are current technical and operational challenges to using performance assessments at large-scale for high stakes purposes. The road for implementing complex assessments in K-12 education has been rocky. That is exactly why the field and the nation need the investment outlined in the discussion draft. For example, our children already play computer games that immerse them in realistic role-playing simulations, distributed group competitive strategies, and that support voice and motion recognition. I cannot but imagine that in 20 years computers will have even more capacity. But I can imagine that unless an investment is made, educational testing in 20 years will be as hobbled by a lack of imagination and by 19th century measurement theories as it is today. Reauthorization should look to the future as well as try to make mid-course corrections to the present. We should apply what the professions, the military, industry, and other nations are learning about how to develop and administer complex performance assessments.

3. It provides needed federal sponsorship that will catalyze partnerships and applications that will address and sustain the effort to develop new assessment infrastructure.

I believe that universities, research centers, and the private sector together can help bring the next generation of valid assessments to the schools. But it won't happen without a catalyst to focus the use, practicality, and time schedule. The federal government can appropriately provide that sponsorship, as is proposed in the discussion draft. Valid accountability requires valid assessments. The discussion draft provides a vision and a path for both.

It's a good time for mid-course corrections, and for investing in the future of college-ready and performance assessments. I urge Congress to support the suggestions for reauthorization I've mentioned today.

Thank you for the opportunity to share these thoughts.

Chairman MILLER. Thank you very much. I will begin with the front row, and we will work our way back up.

Mr. MCKEON. I have a brief question for you, Dr. Cannaday. Do you know how you feel about the draft? Do you think that it includes enough State and local flexibility?

Mr. CANNADAY. Congressman McKeon, I believe it begins to move in the right direction. I would encourage that it differentiate that flexibility that it is predicated on. Experiences that demonstrate that the State is responsible, accountable to young people making progress, and substantial progress, and where that is the case, greater flexibility to innovate; and where it may be the case that States are less—cannot demonstrate they are moving in an appropriate direction fast enough, that there be more intervention.

So I think you are moving in the right direction, but just create flexibility and differentiate options.

Mr. MCKEON. Let me ask you if you would work with us to craft provisions that allow States to enter into a performance agreement with the Secretary that gives them increased flexibility such as consolidating numerous programs and so forth.

Mr. CANNADAY. We would be more than happy to.

Mr. MCKEON. Thank you.

Chairman MILLER. Thank you. I know that Mr. McKeon is a senior member of the Armed Services Committee, and they begin their hearings on General Petraeus' and Ambassador Crocker's report in just a short while. But thank you very much.

Ms. Clarke.

Ms. CLARKE. Thank you very much, Mr. Chairman. My question is directed to Mr. Cohen.

I wanted to hear from you your thoughts on the role of teachers in the project that you have talked about here. Many of our newer and younger educators have themselves been disconnected in isolated systems of education by themselves.

How are our educators oriented or reoriented to teach in a manner that you are recommending? And how does this draft legislation facilitate this type of teacher orientation with regard to education delivery?

Mr. COHEN. Thank you. That is an important question, how teachers are involved in the processes that are laid out in this draft, particularly around standard setting.

I can tell you that in the work that we have done in States, at the end of the day. The standards that are set are done by committees of K-to-12 teachers, higher-ed faculty and employers; and they reach out to their counterparts, oftentimes in very sophisticated ways in each State.

So in a number of States, for example, at the higher-ed level where they have simple mechanisms in place, they have surveyed thousands of faculty members and shown them potential standards and asked for feedback.

Most States have a mechanism, if not similar to that, at least a functional equivalent of involving teachers in the standard development process at the K to 12 level as well.

Chairman MILLER. Mr. Yarmuth?

Mr. YARMUTH. Thank you, Mr. Chairman.

I would like to address Mr. Cohen also on the issue of the local pilot program. And it probably comes as no surprise I would side with my fellow Kentuckian.

Your concerns about them seem to be based on the assumption that local systems would not be more ambitious than the States might be. And I wonder why it seems like there is a sense of skep-

ticism there, when, in fact, I can see easily situations where local districts would want to exceed the measurements that the State might develop.

Mr. COHEN. I can imagine a situation where some local districts would want to exceed the standards that the State develops. What I can't figure out is how, by allowing the local developed assessments, given that dynamic, that you end up with a system of consistency across the States, where students in one district are held to the same expectation that students in another district are.

When I listened to Brian talk, when I listened earlier to Linda Darling-Hammond talk about what they hoped to achieve through the local assessment pilot, it seems to me those are precisely the same things that can be achieved through the State assessment program that is also included in the legislation. I don't hear anything that is inherently local in the benefits of the pilot program.

So it seems to me, if NCLB accountability is built on the notion that we are going to hold all students to the same standards, there are real advantages to doing that at the State level rather than the local level. That doesn't mean you can't involve local districts in the development of the standards, but then they still ought to be applied on a state-wide basis.

Mr. YARMUTH. Well, maybe I would ask Mr. Gong to respond to that.

But it also occurs to me that in some States you have dramatically different situations. In my district, we have one public school district, 97,000 kids, a very urban community with a lot of urban problems, particularly mobility of students and so forth, very different from most of the rest of Kentucky. So, intuitively, it would seem to me there would be great value in allowing some pilot programs to try to develop assessment systems.

But if Mr. Gong would like to comment, that would be great.

Mr. GONG. I think that the local pilot is really important because one of the shortcomings is that they have to come up with a decontexturalized way to assess what students know. And so you look at the writing prompts, for example, you have to have something that any student can answer but that is not connected at all to their curriculum.

The local assessment, the most important feature is not that it is locally developed—because you do have quality issues—it is that it is sensitive to the context that students learned in. Because then you can know whether they are merely parroting back what the teacher said or whether they are really applying that. You cannot tell that in a standardized assessment because you don't know what the relationship is between the performance and the instruction.

So the most important thing about local assessment is that it allows you to interpret what the students are applying and what they are merely repeating back.

Chairman MILLER. Mr. Bishop?

Mr. BISHOP. Thank you, Mr. Chairman.

This question is also for Mr. Cohen.

You made the point that in setting standards for post-secondary readiness is that the higher education community has to play a much larger role.

So, just quickly, how do you see that process, going forward? What is the best way to structure the kind of articulation that would need to take place?

Mr. COHEN. When we have worked with States doing this, we have asked them to create a team that involves State post-secondary leadership, as well as faculty, particularly those involved in making placement decisions as to whether students are in credit-bearing or remedial courses, faculty from the K to 12 level as well, and, in a slightly different manner, employers.

The main part of the process involves looking at data. What is the evidence, number one, about the relationship between what students take and learn in high school and what it takes to succeed in college? What are the success rates of students who are taking different courses, for example?

Secondly, looking at the post-secondary curriculum in a range of first-year, credit-bearing arts and science courses. What are being taught in those courses? What will faculty there tell you is what they are prepared to review when students come in? And what are they going to say if the kid doesn't know that, "They are not in the right place, because we are not going over that"?

And I don't mean this just in an anecdotal manner, but with some evidence behind it. What we have found when we have done that is that it is possible to get a consistent definition of readiness, at least with regard to quantitative skills and some English, reading, writing, communication skills, to get a common definition of readiness across public institutions within a State, which is very important, because if you can do that, then it is very easy to say to the K to 12 system, "Here is the target you need to aim for." If you can't get that, then there are thousands of targets for high schools to aim at and no clear definition of what it means to be ready.

Let me just also add, when you bring the workforce training people into this and ask them to describe what their curriculum looks like, what they expect of people coming into workforce training programs, you tend to get this enforced as well. So it is important to do that, as well.

Chairman MILLER. Mr. Holt?

Mr. HOLT. Thank you, Mr. Chairman.

I have a question for Mr. Gong.

You say that, as the Department now uses growth, it hardly differs from the status method, the percent proficient, and that the reauthorization should include a true pilot of how growth could be effectively measured.

Are you saying there are problems in the measurement and evaluation or in the data-keeping? What do we need to change to get this right?

Mr. GONG. There are two parts. One is the definition of growth, and then the other is the definition of what is enough growth.

In many of the systems, in fact, what is being measured is a combination of growth and percent proficient. And when those two are mixed, where they are called growth, it is not surprising that, in fact, you are really not giving credit for growth, you are really giving credit for whether those students start off high enough.

The second one, I understand, is a controversial one. When the definition is that the students must become proficient within 3 years, hardly any students do that. So it is not that they are not growing. It is that they are not growing enough by that definition. And so, that is a thorny dilemma for people to look at.

Empirically, we are starting to see how much students actually are growing in some of the highest-performing systems, the medium systems and lower systems. And even the very high ones, they are not growing enough for substantial proportions to be proficient in 3 years.

Mr. HOLT. Thank you.

Chairman MILLER. If I might follow on to that, I don't know if you heard Mr. Jennings' suggestion that that would be tied to high-achieving schools. Is that related to what you just said?

Mr. GONG. I didn't hear Mr. Jennings' testimony.

Chairman MILLER. Well, we will match you up with the testimony. Thank you.

Mr. Tierney?

Mr. TIERNEY. Thank you, Mr. Chairman.

I just want to ask one question as sort of a surrogate for one of my colleagues who raised a point.

Ms. Bray and Mr. McPartland, you both talked about high school education and dropouts and dealing with the neediest students in that area. My colleague indicates that, in his schools, he found that there was a correlation between dropouts and failure to have some financial assistance in paying for transportation to school for 7th- to 12th-graders. And his thought was that it might make sense to have a Federal, State and local funding partnership to underwrite those transportation costs, at least for students that might qualify already for free or reduced-price school lunches.

Have either of you heard of that problem in other jurisdictions, other places?

Mr. MCPARTLAND. Well, the first thing is that kids must attend regularly to benefit from the high school program. One of the highest correlations of failing courses and dropping out is that kids don't get there. So if transportation is part of that reason, we really have to face head-on the problems of absenteeism and poor attendance. It is very likely, in certain circumstances, transportation might be part of it, and then that should be part of a solution.

Mr. TIERNEY. And have you heard of that at all?

Mr. MCPARTLAND. I haven't, myself. But, again, I am emphasizing the attendance. In the urban districts, in Baltimore, my own city, the kids do take public transportation. And there had been some safety issues that the youngsters have pointed out. It is not the availability of transportation but whether they are willing to use it or not.

So, to that extent, I have heard about it. But, again, if that is what is keeping kids from attending dependably every day, it should be part of the solution.

Mr. TIERNEY. Ms. Bray?

Ms. BRAY. I can't say we have specific information on that. I can tell you somewhat anecdotally many of the career and technical educational centers have what are called alternative training programs. And they are for students who are in danger of dropping

out. They don't have enough credits; they have missed a lot of programs. And the transportation is provided by the home high school to those career tech centers, where they spend the day and get personalized instruction and are caught up and it is taught contextually. And their success rate in those programs is over 90 percent.

So that is helping. But it is sort of a narrow anecdote to what you are asking. We don't really have information on that.

Mr. TIERNEY. Thank you.

Thank you, Mr. Chairman.

Chairman MILLER. Thank you.

Mr. Kildee?

Mr. KILDEE. A generic question to Mike: Among the important elements in Title I, we have four pillars, I call it: standards, testing, adequate yearly progress and intervention.

In our work—and we have done a lot of work and we have listened to people all over the country—is there one of those pillars where we should go back and do a little more work on that? Is one pillar weaker than the others? And, if so, could you be specific on where we might be weaker?

Mr. COHEN. To be honest, I have not looked at all four pillars equally. But my sense is you have moved in the right direction on every one of them. The standards and testing comments, proposals, already covered—at least most of them in the right direction. And my guess is the differences among some of us could be narrowed with a little bit of discussion.

Clearly a differentiated approach to interventions makes sense, making a distinction between schools that are failing to meet the mark by miles for all kids versus those that are just not there for a few. A differentiated approach makes all the sense in the world, so I think you are moving in the right direction on that as well.

Mr. KILDEE. That is encouraging. We worked hard, and we appreciate the input of all of you. Thank you very much.

Mr. COHEN. Thank you.

Chairman MILLER. Thank you.

Just let me, Ms. Bray, say, maybe you can send this to all the members of Congress again, the findings of your "Ready for College and Ready to Work," that you stated in your testimony that the levels of readiness for high school graduates need to be prepared for college and for the work training programs are comparable. That is what I hear from employers and from college personnel in my district all the time, whether it is community college or State college or the university system. And somehow we have got to figure out how we do that.

I would also say that, too often, within the Beltway, current technical education is still sort of viewed that this is the vocational education that we grew up with 30 years ago, and not recognizing how complicated the workplace is today, the proliferation of technical manuals to keep up with skills that are yesterday's titles but vary today in terms of technical skills and critical thinking skills. And so I appreciate you for your testimony.

Let me just say I am quite pleased at the attention that this pilot project is getting. Because I have talked to so many CEOs, so many venture capitalists, so many economists that tell me one of the real problems we have here is, while we are reauthorizing this legisla-

tion, is, at the same time, to think about the future. Because this isn't about kids graduating today; it is about kids moving into a workforce where they are going to be required to have another set, you know, more and more, a set of skills that aren't taught in more schools. And that is: working cooperatively, working in collaboration, working across school districts, across school rooms to develop a set of skills.

And I remember back to my opposition to the growth model for a number of years and then watching a pilot project evolve to such a point where I felt I had confidence in it, but many people had confidence in it before me. As I think Mr. Gong pointed out, this has been under discussion for a very long time but has never had the kind of financing that might allow us to make a determination whether or not there is another way of providing assessments that drive the kind of curriculum, the kind of skills that we want.

We would, if it was adopted—and, mind you, it is a long way to adoption from today, and it would have to be signed off by the Secretary and the panels and all the rest of that—we would still require that they have to participate and be measured on statewide exams on math and reading.

But I am encouraged that it has got—I thought this would be buried in the bill and wouldn't get the kind of attention that so many people who are betting, if you will, real money, real jobs and real decisions about staying in America or not with their future investments are telling me the skills that they need.

As I have said, repeating what they have told me, that they need graduates and people who can work across companies, across the country and across continents. And those skills they don't see being truly developed under this system today. And they are very worried that we are not thinking about the kid who is starting school today in kindergarten as opposed to thinking about the one that is in 4th or 8th grade and we are drilling in on that student.

We are trying to build an improved system for those current students. We are also trying to build in the opportunity to look at how we make overall improvements and options available.

So thank you very much for your testimony. And again, we look forward to working with you as we go through your remarks or suggestions. They are very helpful to us, and we will continue that. So thank you for your time and your expertise on this matter.

Our next panel, focusing on civil rights organizations, will begin with Nancy Zirkin, who is the vice president and director of public policy for the Leadership Conference on Civil Rights; Peter Zamora is the regional counsel for the Mexican American Legal Defense and Educational Fund; Stephanie Jones is the executive director of the National Urban League; Dan Losen, who is the senior education law and policy associate with the Civil Rights Project; and Dianne Piché, who is the executive director of the Citizens' Commission on Civil Rights; Delia Pompa, who is the vice president of the education programs for National Council of La Raza; Katy Neas, who is the director of congressional relations for the Easter Seals' Consortium for Citizens with Disabilities; and Myrna Mandlawitz, who is policy director of the Learning Disabilities Association of America.

Welcome, and thank you for being here what is now, I guess, this afternoon. And, again, thank you for so much help, you and members of your organizations, and resources that you have pointed us to, have provided to us, as Mr. McKeon and Mr. Castle and Mr. Kildee and I have tried to develop this discussion draft.

Nancy, we will begin with you. Welcome.

And, again, the lights will be green, after 4 minutes yellow—most of you know this process—it will be yellow, and then red we would like you to be able to finish up. But, again, we want to make sure that you impart what you want to the committee.

Welcome.

STATEMENT OF NANCY ZIRKIN, VICE PRESIDENT AND DIRECTOR OF PUBLIC POLICY, LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Ms. ZIRKIN. Thank you. I am Nancy Zirkin, vice president of the Leadership Conference on Civil Rights, which is the nation's oldest, largest and most diverse civil and human rights coalition. With nearly 200 member organizations, they are united in the belief that access to a quality public education is a fundamental civil right for all children.

I would like to thank Chairman Miller and Ranking Member McKeon for the opportunity to testify today and for your leadership and the hard work you and your staffs have been putting into this reauthorization. We appreciate our input into the process.

Within the coalition, there is a great diversity of opinions about No Child Left Behind. You will hear from several LCCR members on this panel and undoubtedly others before the end of the day. There are some provisions in this draft that we all support, such as differentiated consequences for our schools that fail to make AYP. And there are some provisions that several or more of LCCR groups won't agree with.

What we can all agree on is that the law needs substantial improvements, which must be done very carefully.

Toward that end, we are particularly pleased by the attention being given to high school improvements and the graduation rate crisis afflicting low-income and minority students.

Setting a dedicated funding stream for high schools as well as a clear and realistic definition of graduation rates and demanding real accountability for all subgroups is long overdue.

However, we would caution you to avoid reducing a school's dropout rate to be used as a substitute for improving its graduation rate. States and schools must not be allowed to classify students who have left school as anything other than a dropout unless they have verified that the student has enrolled in another school. There must be accountability for any student who does not stay in school through graduation.

We also have serious reservations about the inclusion of local assessments in the bill. We share the desire to find a way to spur innovation to improve the quality of assessments, and appreciate your attempting to actually do so with the pilot project in Section 1125.

Even though the draft would require that the State assessment still be given, we remain concerned about the implementation of

local assessments, including how performance on the tests would be factored into AYP determinations and the practicable ability of any State, let alone the Department of Education, to effectively monitor them to ensure that they are not used to evade or weaken accountability under the AYP rubric.

While the timing of the release has not allowed us to fully review it, we are encouraged by the inclusion of Title VI in the pilot project program for enhanced assessments on a statewide basis. We hope that the final draft will place greater emphasis on this approach to improving assessments.

We also appreciate the draft's approach to English language learners. And we share the views which you will hear shortly by Ms. Pompa and Mr. Zamora.

We made clear in our testimony and policy letter at the joint committee hearing on March 13 that, while substantial improvements are needed in how the law treats language minority students, inclusion and accountability for these students is essential. We believe that sensible revisions to the law can maintain and strengthen accountability, improve the funding structure, implement what we have learned so far and make the law fair, flexible and funded, as Chairman Miller has called for. Missing this opportunity to reauthorize the law would have terrible consequences in the field where improvements are desperately needed.

We look forward to continuing to work with the committee to strengthen the law and its implementation and to seek a careful and deliberative reauthorization in this Congress.

Thank you, Mr. Chairman.

[The statement of Ms. Zirkin follows:]

Prepared Statement of Nancy Zirkin, Vice President and Director of Public Policy, Leadership Conference on Civil Rights (LCCR)

Good morning, I am Nancy Zirkin, Vice President and Director of Public Policy 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 that are united in the belief that access to a quality public education is a fundamental civil right for all children.

I would like to thank Chairman Miller, Ranking Member McKeon, and all of the Members of Committee for the opportunity to testify today, for your leadership, and for the extraordinarily hard work you and your staffs have been putting into this reauthorization. We appreciate having been brought into the process and that some of our input is reflected in the current draft.

The Elementary and Secondary Education Act (ESEA) may be the most complicated law this Congress addresses, but from the perspective of the civil rights coalition, it may also be the most important. Some groups within and outside of our coalition are inclined to defend the current law against almost any changes. The agenda of others appears to be to completely dismantle the law. Neither option is acceptable.

Within the coalition, there is a great diversity of opinions about No Child Left Behind—you've already heard from several LCCR members on this panel, and several more will be testifying later today. There are some provisions in this draft that we all support, such as differentiated consequences for schools that fail to make Adequate Yearly Progress (AYP), and there may even be a few that most oppose.

What we can all agree on is that the law needs substantial improvements, which must be done very carefully. Towards that end, we are particularly pleased by the attention being given to high school improvement and the graduation rate crisis afflicting low-income and minority students. Setting a clear and realistic definition of graduation rates and demanding real accountability for graduation for all subgroups is long overdue, as is a dedicated funding stream for high schools.

However, we would caution you to avoid allowing reducing a school's "dropout" rate to be used as a substitute for improving its graduation rate. There are too

many examples of states and schools finding ways to classify students who have left school as anything other than a "dropout." The bottom line is whether the child stayed in school through graduation and there must be accountability for any student who did not.

We also have serious reservations about the inclusion of local assessments in the bill. We share the desire to find a way to spur innovation to improve the quality of assessments and appreciate that you are attempting to do so with the pilot project in Section 1125. We recognize that the draft would require that the state assessment still be given, however we remain concerned about the implementation of local assessments, how performance on the tests would be factored into AYP determinations, and the practical ability of any state—let alone the Department of Education—to effectively monitor them to ensure that they are not used to by individual "bad actors" to evade or weaken accountability under the AYP rubric. While the timing of the release of Title VI has not allowed us to fully review it, we are greatly encouraged by the inclusion of Section 6112, the pilot program for enhanced assessments on a state-wide basis. We hope that the final draft will place greater emphasis on the state-wide approach to improving assessments.

We also appreciate the draft's approach to English language learners (ELLs) and share the views already expressed by Ms. Pompa and Mr. Zamora. We made clear in our testimony and policy letter at the joint committee hearing on March 13th that while substantial improvements are needed in how the law treats language minority students, inclusion and accountability for these students is essential. In light of the poisonous atmosphere left behind by the failure of comprehensive immigration reform, ensuring the inclusion of ELLs—nearly 80 percent of whom, contrary to popular perception, are American citizens—is more important than ever.

There has already been some posturing on both sides about it being better to let this reauthorization fail rather than make some compromises to build a governing consensus. In the interests of children who truly have been left behind—and are still being left behind 5 years after NCLB was passed—we urge you not to let that happen.

We believe that sensible revisions to the law can maintain and strengthen accountability, improve the funding structure, implement what we have learned so far, and make the law "fair, flexible, and funded," as Chairman Miller has called for. Missing this opportunity to reauthorize the law would have terrible consequences in the field where improvements are desperately needed and in Washington, where the political climate for the law is likely to deteriorate further.

We look forward to continuing to work with the Committee to strengthen the law and its implementation, and to seek a careful and deliberative reauthorization this year.

Thank you very much.

Prepared Statement of the Leadership Conference on Civil Rights

Reauthorize the No Child Left Behind Act with More Funding, Better Enforcement, and Additional Supports for Struggling Schools

DEAR CHAIRMAN KENNEDY AND CHAIRMAN MILLER: On behalf 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, we are writing to express our priorities for the reauthorization of the No Child Left Behind Act (NCLB). While it has been a controversial law, NCLB's goal of educating all children, regardless of race, gender, disability, language or economic status, is laudable. LCCR is committed to strengthening implementation and enforcement of NCLB, as well as working toward improvements in the statute and significantly overdue increases in funding.

LCCR believes that access to a high quality education is a fundamental civil right for all children and that several core principles must be adhered to in federal education policy. 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 good 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.

When NCLB was passed, its ambitious goals were accompanied by ambitious funding authorization levels and extensive promises from the administration and Congress to fund the law's programs. Of great importance, the most targeted part of the Title I formula was funded for the first time following the passage of NCLB,

resulting in significant increases in federal funds for districts with the highest concentrations of students from low income families. While there was also a substantial overall first-year increase over pre-NCLB federal education funding levels, funding has fallen far short of the law's authorized levels. The cumulative funding shortfall is already over $56 billion and one conservative estimate of President Bush's FY 08 budget request places it $14.8 billion below a projected figure based on the current NCLB's authorization levels. If this Congress is serious about education reform, it must prioritize education spending.

NCLB Can Do More to Raise State Standards and Align Standards with Curricula

At its core, NCLB depends on state standards and state definitions of student proficiency at meeting those standards, and ultimately takes on faith that schools and school districts will adequately align their curricula with the state standards and provide all children the opportunity to meet the standards. Experience has now shown that in too many places, standards are not high enough, some states are setting the bar for proficiency too low, and curricula, standards, and assessments are not adequately aligned to give all students—and their teachers—a fair chance to meet the standards. In some schools, particularly those with extreme poverty concentration, where many minority students are enrolled, children are not provided with a rich challenging curriculum that is aligned to the standards. As a consequence, they may be tested on material that they have had no actual opportunity to learn. LCCR believes there are many areas where NCLB can be strengthened to require more front end planning by state and local education agencies, including:

• Section 1111(b) should adopt a mechanism to ensure that state academic and proficiency standards are subject to review to ensure that both are sufficiently rigorous to keep students on track for on-time graduation from high school and entry into postsecondary education or the workforce.

• There should be dedicated funding for voluntary state consortia designed to pool expertise and resources to raise state standards. Access to this additional pool of grant funding should come with additional oversight from the Department of Education.

• Recipients of Title I funding should be required to ensure that curriculum in Title I schools is aligned with stat standards. Specifically, sections 1111 and 1112 should be amended to require that state education agencies (SEAs) and local education agencies (LEAs), respectively, describe in their Title I plans the concrete steps they will take to ensure this alignment occurs and is carried out in each Title I school. These new provisions should be accompanied by guidance from the Department on what constitutes proper alignment and by dedicated funding for professional development to train staff throughout the educational system on how to do it.

NCLB Can Do More to Improve Assessments

Assessments play a crucial role in NCLB and their results have high stakes consequences for schools, educators, students, and parents. NCLB depends on reliable assessment data for its accountability system. States bear the primary responsibility for assessments and more should be done to ensure that states do not cut corners and that assessments are truly aligned with standards. Unfortunately, the federal government has done the bare minimum required under the law to fund assessments, appropriating only $2.34 billion during the first six years of NCLB. According to a study by the GAO, it would have cost an additional $3 billion to fund the type of blended multiple choice and constructed response system many experts believe is necessary for an accurate in-depth measure of student learning. LCCR believes NCLB can improve assessments and build greater public understanding and support for the accountability system by:

• Substantially increasing funding for the development of better assessments in reading/language arts and mathematics and of new assessments required under the law in science, including subsidizing the development of constructed response testing.

• Dedicating funding for professional development targeted toward assessment literacy for parents and educators to ensure that they understand the process and development of assessments and how they relate to the standards and curricula.

• Requiring that information explaining the assessments and how the data will be used, as well as the local education agency report cards, be distributed to parents in multiple media, formats accessible to the lay person, and in alternative languages.

• Promoting parental involvement through inclusion in sections 2113 and 2123 of funding for professional development for educators and principals, respectively, on effective parental and family communications and engagement strategies.

Building Public Support for School Interventions that Will Help Struggling Schools

LCCR is committed to NCLB's goal of supporting students in struggling schools. We hope that with a renewed emphasis on accountability and funding, some additional supports, and refinements to improve implementation, schools in need of improvement can be turned around. LCCR believes NCLB should be amended to:

• Permit LEAs to continue to provide interventions and support to a school for one additional year after that school has exited In Need of Improvement status while the LEA reviews the effectiveness of the measures and plans for how to maintain the gains. The interventions that can be continued should include the full remedies allowed by the statute, including school choice and supplemental education services (SES), and all in-school interventions such as professional development.

• Require states to evaluate the quality and effectiveness of their SES providers and ensure that providers are serving the full range of students, including English language learners (ELLs) and students with disabilities.

• Allow the Secretary to grant waivers, on a case-by-case basis, enabling districts in need of improvement to become certified as SES providers if they can demonstrate their capacity to provide effective services.

• Require that teachers in schools in need of improvement have data reports on their incoming students prior to the start of the academic year so that they have a reasonable opportunity to tailor instruction to the academic strengths and weaknesses of their students.

• Ensure that teachers and parents are fully included in all stages of the development and implementation of the school improvement plan, which should include access to professional development for improving knowledge and skills on data use, selecting effective programs and curricula, and developing school-based leadership for school reform.

• Reverse the Department's assertion that SES providers are not recipients of federal funds, and therefore not directly subject to several federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Updating the Calculation of Adequate Yearly Progress through the Inclusion of Growth Models

The fundamental task of all schools and teachers is ensuring the academic success of their students. When students begin the year at grade-level, or proficient in NCLB terms, the relevant growth is just one academic year to stay at grade-level and proficient for the next year. But, NCLB data has given us bracing and undeniable evidence of how far behind so many of our students are. To bring 100 percent of those children up to grade-level proficiency, NCLB now seeks to hold schools accountable for much more than just regular annual growth. In that context, giving schools credit toward meeting their adequate yearly progress (AYP) requirements for an accelerated growth trajectory makes sense and LCCR supports it, however does so with the following qualifications:

• No growth model should be implemented without a robust data system in place capable of reliably tracking individual students from year to year.

• For English language learners, evidence suggests rapid initial growth that corresponds to the initial period of language acquisition, but that initial growth cannot be used for the basis of a projection for sustained subject matter content growth. At this time, there does not appear to be any viable growth model available for ELL students. The statute should require that the Department carefully scrutinize any state proposal for how it plans to account for ELL students within a growth model.

Educational Services and Assessments Must be Improved for English Language Learners

Students who are still learning English have been poorly served by the educational system for far too long. NCLB's disaggregated data is helping to highlight the gross contours of the problem, but is still not giving a very clear picture of it or doing enough to solve the disparities. Better communication and outreach to parents in accessible languages, higher quality alternative language assessments, and equal access to supplemental services for ELLs are all necessary. LCCR does not support additional exemptions of ELLs from Title I assessments beyond the current one-year exemption in reading/language arts for newly-arrived ELLs. LCCR believes that NCLB should be amended to:

• Establish a separate funding stream to ensure the development of appropriate academic assessments for ELLs. Priority should be given to states with the highest numbers of ELLs.

• Require that states with significant ELL populations from a single language group develop valid and reliable content assessments designed specifically for that language group.

• Require SEAs to certify that there are SES providers on their providers list with demonstrable capacity in meeting the educational needs, including language acquisition needs, of ELLs. SEAs must also ensure that appropriate SES providers operate in locations with high ELL populations.

• Require SEAs and LEAs to undertake linguistically and culturally sensitive outreach (including partnering with community-based organizations) to notify students and parents of student eligibility for SES and/or school choice.

• Require that schools, in calculating AYP, include in the limited-English-proficient (LEP) category: 1) current ELLs; and 2) former ELLs who have exited the LEP category within the last two years.

• Require, for the purpose of public reporting of student academic performance, that the LEP category be disaggregated into the following:

1) LEP students who enter the U.S. school system at 9th grade or above; 2) students who have exited the LEP category within the last two years; and 3) recent arrivals who are ELLs who have been in the U.S. school system for less than 12 months.

• Limit the ability of schools and school districts to obscure the failure to reach ELL students (or other subgroups) through large "N-size" statistical cut-offs. N-sizes should be consistent for all AYP subgroups within a district or school.

Federal Education Law Should Create Meaningful Graduation Rate Reporting and Help Schools Reduce Dropout Rates

High school graduation is a minimal qualification for economic opportunity, yet it is an opportunity that is rapidly slipping away from as many as half of African-American, Latino, and Native American children, and a quarter of white children. Students with disabilities, low-income students, language minority students, and students from some groups within the Asian Pacific Islander community are also graduating at alarmingly low rates. Inconsistent—and often deliberately misleading—school reporting of official dropout rates has hidden the extent of the problem for too long and there are reasons to be concerned that increased accountability for test scores may create additional pressure to "push out" more students. LCCR believes that NCLB should be amended to:

• Require graduation rate reporting that is disaggregated by subgroup and in a format that can be fully cross-tabulated.

• Require graduation data based on the year-to-year promotion rate method of accounting for all students as they progress each year beginning in ninth grade.

• Use graduation rates that have clear and consistent national definitions, and are reported as 4-year and 5-year (and possibly others) completion rates.

• Prohibit schools from exempting students who have been incarcerated from their graduation rate calculation, out of concern for the growing problem of the school-toprison pipeline.

• Fund data system upgrades and the training and support required to manage the longitudinal data systems necessary to track multi-year graduation rates.

In addition to improving reporting, there are many programs the federal government can promote to improve graduation rates for vulnerable students and schools. LCCR supports amending the law to:

• Fund research and technical assistance on indicators of dropping out in early grades and effective early intervention strategies.

• Add individual graduation plans for parenting teens and students facing other graduation challenges, such as chronic absenteeism.

• Target professional development to dropout prevention.

• Fund more intervention programs and services to reach students at risk of dropping out.

• Add requirements in the SEA and LEA plans on rigorous coursework and on-grade course-taking.

• Make career and technical education (CTE) programs more widely available for students for whom CTE programs can serve as an incentive to graduate.

• Support Early College High Schools to address one area of lack of proficiency, e.g. reading, language proficiency, math, or science.

• Fund extended learning time in high school.

• Strengthen parental involvement provisions.

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. For additional information, please contact Nancy Zirkin at (202) 263-2880 or Zirkin@civilrights.org, or David Goldberg, Program Manager and Special Counsel, at (202) 466-0087 or Goldberg@civilrights.org.

Chairman MILLER. Thank you.

Mr. Zamora?

STATEMENT OF PETER ZAMORA, REGIONAL COUNSEL, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

Mr. ZAMORA. Chairman Miller, members of the committee, I am Peter Zamora, Washington, D.C., regional counsel for the Mexican American Legal Defense and Educational Fund.

Founded in 1968, MALDEF is a national, nonprofit legal organization that uses litigation, policy advocacy and community education to protect the civil rights of the Latino community.

The Elementary and Secondary Education Act is a critical civil rights statute for Latinos. Latino students, who comprise 20 percent of America's K-12 student population, often experience extreme education inequality in our nation's public schools. The No Child Left Behind Act has highlighted this inequality and has tried to ensure that schools and school districts could no longer prioritize the education of certain student populations at the expense of others. The current reauthorization presents a historic opportunity to build upon current law while correcting defects that have limited its effectiveness.

My comments today will focus upon the nation's 5.5 million English language learners, who comprise over 10 percent of the total student population. Over three-quarters of the ELLs are Latino, and nearly half of Latino students are ELL.

Despite common assumptions to the contrary, native-born U.S. citizens predominate in this student population, which often suffers particularly acute educational inequality and underperforms on nearly every measure of academic performance. The ESEA must promote increased resources, better instruction and improved academic outcomes for this large and growing student population.

ELLs require academic assessments or assessment accommodations that are tailored to their academic and linguistic needs. The bipartisan draft bill recently released by this committee provides greatly increased supports for improved native language assessments, simplified English assessments, portfolios and testing accommodations for ELLs.

First, the bill would target significant levels of federal funds for States to develop valid and reliable assessments for ELLs. States would be required to implement appropriate academic content assessments for ELLs within 2 years or face withholding of State administrative funds.

The bill also supports the increased use of native language assessments, which are most appropriate for recently arrived ELLs and students who receive dual language instruction.

The bill would also strengthen accountability for ELLs who are not tested in their native languages by requiring States to implement research-based practices to provide accommodations for ELLs who are tested for content in English.

These key reforms will ensure that States will finally, 15 years after they were first required to do so under the 1994 act, develop and use assessments that generate meaningful results for ELLs.

At the same time, the bipartisan draft grants increased flexibility to State and local officials in the treatment of ELLs under ESEA. Notably, during the 2-year window in which States are developing appropriate assessments for ELLs, the draft bill would permit schools and districts to calculate AYP for reading using results from English proficiency assessments for students at the lowest levels of English proficiency.

It also permits schools and districts to exempt the scores of recently arrive ELLs from one administration of the language arts assessment and to count former ELLs in the ELL subgroup for 3 years after they gain English proficiency.

So under the terms of the bipartisan draft, teachers and local education officials will finally have the tools that they need to measure ELL student knowledge, and they will gain increased flexibility in the inclusion of ELLs in local accountability systems. States will receive increased federal funding and technical assistance to support ELL assessment and instruction. And ELLs will finally be permitted to participate on an equal basis in ESEA programs and to fully benefit from key reforms to education systems nationwide.

So, in conclusion, the No Child Left Behind Act has focused greatly increased attention upon the academic concerns of the Latino population and especially English language learners. The poor student outcomes of Latinos and ELLs were generally a well-kept secret prior to NCLB. This, thankfully, is no longer the case.

But the act can be improved, especially for ELLs, by key reforms that will be authorized under the bipartisan draft bill that will be debated in this committee later this month. As we move forward in enacting and in later implementing this key civil rights law, we must ensure that we fully consider the interests of Latinos and ELLs in every provision of the act.

The draft bill currently contains many new proposals, including growth models, multiple measures of achievement and local assessments, that, if approved, will require that officials pay particular attention to the needs of Latinos and ELLs in order to ensure that these measures are implemented effectively. For, if any of the ESEA's provisions are ineffective for Latinos and for ELLs, they will be ineffective in eliminating educational disparities in America's public schools, and a large and growing population of our future workforce will be unprepared for the demands of the 21st-century workplace.

So MALDF looks forward to continuing to work with this committee and with the full Congress to renew the ESEA in a manner that meets the needs of Latino students and ELLs. Thank you very much.

[The statement of Mr. Zamora follows:]

Prepared Statement of Peter Zamora, Washington, DC, Regional Counsel, Mexican American Legal Defense and Educational Fund (MALDEF)

Chairman Miller, Congressman McKeon, I am Peter Zamora, Washington D.C. Regional Counsel for the Mexican American Legal Defense and Educational Fund (MALDEF). Founded in 1968, MALDEF is a national nonprofit legal organization

that employs litigation, policy advocacy, and community education programs to protect and promote the civil rights of the Latino community.

The Elementary and Secondary Education Act of 1965 (ESEA) is a key federal civil rights statute for the Latino community. Latino students, who comprise 20% of America's K-12 student population,[1] have traditionally experienced extreme educational inequality in our nation's public schools.[2] The 2002 reauthorization of the Act, commonly known as the No Child Left Behind Act, greatly strengthened the ESEA for Latino students by holding states, school districts, and schools accountable for the academic success of all students. By disaggregating data for racial and ethnic minorities, language minorities, low-income students, and students with disabilities, the Act ensured that schools could no longer prioritize the education of certain student communities at the expense of others. In highlighting disparities in educational outcomes that continue to characterize U.S. public education, the ESEA has required officials at every level of government to focus upon addressing inequalities that mar our national commitment to educational opportunity.

The current reauthorization of the Elementary and Secondary Education Act presents an historic opportunity to build upon the achievements of the 2002 reauthorization while remedying defects that have limited the law's effectiveness in eliminating educational inequalities. I am pleased to offer MALDEF's views regarding the reauthorization this critical federal civil rights law.

I. English Language Learners and the ESEA

While the Elementary and Secondary Education Act has greatly affected the entire Latino student community, it has been particularly significant for English language learner (ELL) students, who often face particularly acute educational inequalities. My testimony will focus upon the particular needs of the ELL student population and the bipartisan draft bill's reforms relating to ELLs.

The nation's 5.5 million English language learner (ELL) students[3] significantly underperform on nearly every measure of academic performance. In the 2005 National Assessment of Educational Progress, for example, only 29% of ELLs scored at or above the basic level in reading, compared with 75% of non-ELLs.[4] ELLs also drop out of school at very high rates: Latino ELLs aged 16-19, for example, have a 59% dropout rate.[5]

The academic success of the ELL student population is critical to the success of the Latino community and the U.S. student population as a whole. Over three-quarters of ELLs are Latino, and nearly half of K-12 Latino students are ELL.[6] Over the past fifteen years, ELL student enrollment has nearly doubled, and experts predict that one-quarter of the total U.S. public school population will be made up of ELLs by 2025.[7]

Despite common assumptions to the contrary, native-born U.S. citizens predominate in the ELL K-12 student population: 76% of elementary school and 56% of secondary school ELLs are citizens, and over one-half of the ELLs in public secondary schools are second- or third-generation citizens.[8] The stereotype of ELLs as foreign-born immigrants is, therefore, inaccurate: the majority are, in fact, long-term ELLs whose academic and linguistic needs are not being met by our public school system.

II. Invalid and Unreliable Assessments Have Hindered the Effective Operation of the ESEA for ELLs

The No Child Left Behind Act adopted a sound approach to improving ELL student achievement. ELLs face the dual challenge of learning English while simultaneously gaining academic knowledge in an unfamiliar language.[9] NCLB addresses each aspect of this challenge: Title I requires accountability for the content knowledge of the ELL subgroup, while Title III requires accountability for English language acquisition.

Significant implementation failures by federal and state agencies have severely hindered the effectiveness of NCLB for ELLs, however. Chief among these implementation failures is that states have not yet implemented valid and reliable Title I content or language proficiency assessments for ELLs, and the U.S. Department of Education has not provided sufficient technical assistance or guidance to the states in the development of appropriate assessment policies and practices.[10] Consequently, schools and districts have struggled under NCLB to demonstrate academic gains for the ELL student population, and ELLs have been denied the full benefit of the law's key reforms.

III. Ongoing Efforts to Improve Assessments for ELLs

In order for the ESEA to be effective in eliminating educational disparities, ELL students require assessments and/or assessment accommodations that are tailored to their specific academic and linguistic needs. This is required not only by sound educational practice and the express terms of ESEA, but by the Supreme Court's

decision in Lau v. Nichols.[11] Lau held that Title VI of the Civil Rights Act of 1964 requires schools to deliver academic services to ELLs that are tailored to their linguistic abilities and academic needs.[12]

Although the statutory requirement for valid and reliable assessments for all students originated in the Improving America's Schools Act of 1994, the U.S. Department of Education (ED) has only recently begun to enforce these provisions as they relate to ELL students. ED has also recently embarked upon a long-overdue project to provide technical assistance to states in developing and implementing appropriate assessment policies and practices for ELL students.

In August of 2006, MALDEF, the National Council of La Raza, the U.S. Department of Education, and education officials from all 50 states launched the "LEP Partnership" to provide technical assistance in appropriate ELL assessment practices to the states. The LEP[13] Partnership unites assessment experts, federal and state officials, and advocates in an unprecedented collaborative. Our focus is to improve assessment practices for the 2006-07 testing cycle and to support improved ELL assessment practices for future years. The next formal LEP Partnership meeting will be held in Washington, D.C. in October of 2007.

Our efforts are beginning to yield results, but Congress must provide additional support to states in the development and implementation of appropriate academic and linguistic assessments for ELLs. The technical expertise needed to develop and implement sound assessments for ELLs exists, but thus far we have not generally seen necessary efforts at the federal and state levels to appropriately include ELLs in statewide assessments. Both the federal government and the states must do much more to implement native language, simplified English, portfolio, and other assessments designed to measure ELLs' academic content knowledge.

IV. The Committee on Education and Labor's Draft ESEA Reauthorization Bill

In its bipartisan draft bill to reauthorize the Elementary and Secondary Education Act of 1965, the Committee on Education and Labor has proposed critical reforms that will greatly improve the effectiveness of the Act for ELLs. This "discussion draft" provides increased federal supports for appropriate assessment practices as well as flexibility for schools, districts, and states in the treatment of ELLs under ESEA accountability systems. Many of the Committee's proposed reforms respond to proposals offered by the Hispanic Education Coalition, which unites 26 key national and local organizations in support of improved Latino educational opportunities. These reforms will greatly assist schools, districts, and states in demonstrating academic growth for ELLs and will ensure that ELLs may benefit from education reforms prompted by the ESEA.

First, the discussion draft provides significant levels of targeted funding for the development and implementation of valid and reliable academic content assessments for ELLs. It would require states that have not implemented appropriate assessments for ELLs to immediately target 16.5% of their state assessment funds to developing and implementing assessment systems that will allow ELLs to be appropriately included in ESEA accountability.[14] States would be allowed two years from the date of enactment to develop assessment systems that generate valid and reliable results for ELLs.[15] To enforce this provision, the statute would require the Secretary to withhold up to 25 percent of states' Title I administrative funds if they have not developed appropriate assessments 2 years from the date of enactment.[16] These critical reforms will ensure that states will finally, fifteen years after they were first required to do so by the 1994 ESEA, implement assessment systems that generate meaningful results for ELLs.

The discussion draft would also provide key federal supports for the increased use of native language academic content assessments, which are most appropriate for newly-arrived ELLs and students who receive dual language instruction. Under current law, states are required to implement such assessments when it is "practicable," but most states have not prioritized the development and implementation of native language content assessments. To remedy this defect in NCLB implementation, the draft bill would enact a "trigger" to ensure that schools and districts are able to assess members of significant populations of ELLs in their native languages, when consistent with state law.[17] This reform will especially support schools and districts that offer dual language instruction, which education research has shown to be the most effective instructional method for ELLs.

The bill would also strengthen accountability systems for ELLs who are not tested in their native languages. It would require state education agencies to implement policies to provide assessment accommodations for all ELLs and present research-based evidence of the accommodations' effectiveness in yielding valid and reliable data on ELL academic achievement.[18] This is also a significant improvement to the

law, one that will ensure that states appropriately include all ELLs in ESEA accountability systems.

At the same time, the draft bill grants increased flexibility to states, districts, and schools in the treatment of ELLs, especially during the 2-year window in which states are developing valid and reliable content assessments. During this 2-year window, the bill would permit schools and districts to, for the first time, calculate AYP for reading/language arts using results from English language proficiency assessments for ELLs at the lowest levels of English proficiency.[19] Schools will therefore be relieved of pressures to demonstrate ELL academic achievement using assessments that have not been valid and reliable for ELLs. Because English language proficiency assessments are not ultimately comparable measures of content knowledge in reading/language arts, however, this 2-year window will close when states implement the appropriate content assessments described above.

The draft would also provide additional increased flexibility in the treatment of ELLs that was not in the "No Child Left Behind" statute. First, it codifies Department of Education regulations that exempt recently-arrived ELLs (those who have attended schools in the U.S. for less than 12 months) from one administration of the state's reading/language arts academic assessment.[20] In addition, the draft would permit schools to count ELL students who have acquired English proficiency as members of the ELL subgroup for 3 years after they gain English proficiency,[21] which will benefit schools that are doing a good job helping students learn English.

Title III of the discussion draft, "Language Instruction for Limited English Proficient and Immigrant Students," also reforms the ESEA to the benefit of ELLs. The draft Title III would require the Secretary of Education to improve data collection and grant distribution practices with respect to ELLs.[22] It would require states to describe how they will ensure that ELLs and immigrant children "access the full curriculum in a manner that is understandable to and appropriately addresses the linguistic needs of such children."[23] It would also specifically authorize program activities that support "instructional programs that promote academic proficiency in more than one language," i.e., bilingual education programs of instruction.[24]

V. Conclusion

The No Child Left Behind Act has focused increased attention upon the academic and linguistic concerns of the Latino population, especially English language learners. The poor academic achievement levels of Latinos and ELLs were generally a well-kept secret prior to NCLB; this, thankfully, is no longer the case. NCLB has increased the pressure at every level of our education system to improve results for underperforming students, and this is clearly a step in the right direction for student populations that have historically existed in the shadows of the U.S. public education system.

As ESEA is debated, approved, and implemented, officials at all levels of government must ensure that they fully consider the educational interests of Latinos and ELLs. If ESEA reforms are ineffective for these large and growing student populations that disproportionately suffer from low academic achievement, ESEA will be ineffective in reforming our public education system as a whole.

The bipartisan draft reauthorization bill recently released by the House Committee on Education and Labor includes numerous reforms that will greatly improve the law's effectiveness for students while ensuring that it is less burdensome to our nation's schools and teachers. Latino students, especially English language learners, stand to benefit from many ESEA reforms that would be authorized under the draft bill. MALDEF looks forward to continuing to work with this Committee and the full Congress to ensure the timely renewal of this critical civil rights legislation.

ENDNOTES

[1] Source: U.S. Department of Education. See *http://nces.ed.gov/programs/coe/2007/section1/indicator05.asp*

[2] See, e.g., Ferg-Cadima, James A., Black, White, and Brown: Latino School Desegregation Efforts in the Pre- and Post- Brown v. Board of Education Era, Washington, D.C.: Mexican American Legal Defense and Educational Fund (2004) (available at: *http://www.maldef.org/publications/pdf/LatinoDesegregationPaper2004.pdf).*

[3] Source: U.S. Department of Education. See *www.ed.gov/admins/lead/account/lepfactsheet.html.*

[4] National Center for Education Statistics, National Assessment of Educational Progress (NAEP): Reading and Mathematics, Washington, DC (available at *http://nces.ed.gov/nationsreportcard/nrc/reading—math—2005/).*

[5] See Fry, R., Hispanic Youths Dropping Out of Schools: Measuring the Problem, Washington, D.C.: Pew Hispanic Center (2003), p8.

[6] See *http://www.ncela.gwu.edu/expert/fastfaq/4.html;* see Lazarin, M., Improving Assessment and Accountability for English Language Learners in the No Child Left Behind Act, Wash-

ington, D.C.: National Council of La Raza (2006), pl (noting that 45% of Latino students are ELL).

[7] Source: U.S. Department of Education. See *http://www.ncela.gwu.edu/expert/faq/08leps.html; http://www.ed.gov/nclb/methods/english/lepfactsheet.html.*

[8] See, e.g., Capps, R., Fix, M., Murray, J., Ost, J., Passel, J., & Herwantoro, S., The New Demography of America's Schools: Immigration and the No Child Left Behind Act, Washington, D.C.: The Urban Institute (2005), p18.

[9] See, e.g., Short, Debra, & Fitzsimmons, Shannon, Double the Work: Challenges and Solutions to Developing Language and Academic Literacy for Adolescent English Language Learners, Washington, D.C.: Alliance for Excellent Education (2007).

[10] U.S. Government Accountability Office, No Child Left Behind Act: Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency, GAO-07-140, July 2006 (available at *http://www.gao.gov/new.items/d06815.pdf).*

[11] 414 U.S. 563 (1974).

[12] Id.

[13] "LEP" is an acronym for "Limited English Proficient," which is synonymous with "English language learner."

[14] Section 6113(c)(2).

[15] Section 1111(b)(10)(C).

[16] Section 1111(b)(10)(A).

[17] Section 1111(b)(6)(C).

[18] Section 1111 (b)(3)(D)(xi)(II); Section 1111(b)(3)(D)(xi)(IV); Section 1111(b)(3)(D)(xi).

[19] Section 1111(b)(10)(B).

[20] Section 1111(b)(1)(Q).

[21] Section 1111(b)(2)(C)(v)(II)(dd).

[22] Section 3111(c).

[23] Section 3113(b)(2).

[24] Section 3115(d)(8).

Chairman MILLER. Thank you.

Ms. Jones?

STATEMENT OF STEPHANIE J. JONES, EXECUTIVE DIRECTOR, NATIONAL URBAN LEAGUE

Ms. JONES. Thank you, Mr. Chairman, members of the committee. I am Stephanie Jones, the executive director of the National Urban League Policy Institute, and we are the policy research and advocacy arm of the National Urban League.

On behalf of Marc Morial, our president and CEO in the Urban League movement, I thank this committee for the opportunity to offer our comments on this draft, the discussion draft focusing on No Child Left Behind.

Throughout our 97-year history, the National Urban League has amassed substantial experience in the development and implementation of programs that serve children and youth. In just the last 3 years, for example, the National Urban League has directly served nearly three-quarters of a million young people through a range of programs conducted by our hundred-plus affiliates around the country.

Last July, the National Urban League unveiled our groundbreaking Opportunity Compact, which is a comprehensive set of principles and policy recommendations designed to empower all Americans to be full participants in the economic and social mainstream of this Nation.

The Opportunity Compact is premised on four cornerstones, the first and most fundamental of which sets forth policies that guarantee our children the opportunity to thrive. Our Opportunity Compact and its opportunity to thrive shares many of the goals of No Child Left Behind because we recognize that only with a solid quality educational foundation can America's children grow up to partake in the other critical opportunities that all Americans deserve.

Unfortunately, however, for too many African American and Latino children, the vision of No Child Left Behind has yet to be fully realized. In light of our deep interest in and considerable knowledge of this issue, last month we submitted to the committee our extensive recommendations for this reauthorization. We are pleased that many of our recommendations are reflected in this draft and our hope or that our comments today and our work with you as we move forward will be of benefit to you.

Now, the draft takes some very positive steps toward our mutual goal.

First, when it comes to addressing resource inequities in our schools, we feel that you are moving in the right direction, particularly by proposing to close the comparability loophole that currently allows school districts to provide high-poverty schools with less State and local funding, which is measured largely through teacher salaries.

The draft document also appears to strengthen the inclusion of nonprofit, community-based organizations, which is a very positive development.

So we are encouraged by these steps, but there are some other areas of the draft that need improvement. And I will go through each of those. And if, as a matter of time, if I don't get to all of them, it is not that we don't find them important, it is just really a function of time.

Now, while the draft provides for multiple indicators and assessments to measure adequate yearly progress beyond reading and math tests, we believe that the menu approach, whereby States can pick from a list of indicators, is confusing and has the potential for loopholes through which districts can hide the performance of certain populations. We recommend that a comprehensive accountability framework with an index using multiple measures be put in place, so that schools are accountable for student growth along all parts of the achievement continuum.

The draft document takes a positive step toward a longitudinal data system, as well. However, we are concerned that the proposed data system is not more directly tied to a comprehensive accountability framework. If the intent is to truly hold districts accountable for higher academic achievements, the districts must provide the necessary structures, supports and conditions for high-quality teaching and learning. Therefore, the National Urban League recommends that States be required to develop longitudinal data systems with unique student identifiers that align student data with teacher data, school performance and resource data.

We find the section on school improvement and supplemental education services to be especially problematic. The draft document limits access to SES only to students attending high-priority schools and also maintains the cap on monies available for this service. We strongly oppose a tiered system and recommend that SES eligibility requirements be changed to offer immediate academic support to all students not proficient, rather than have them wait for 3 years before they can receive desperately needed academic support.

In our 2007 "State of Black America" report, the National Urban League recommended longer school days to keep young people, es-

pecially African American boys, focused on education and away from the distractions that can lead them down the wrong path. We are pleased that the draft includes extended learning time as a proven intervention option. However, we strongly urge that any experiment with expanded learning time be funded in addition to, not at the expense of, supplemental education services.

The draft also requires that all students be taught by teachers who meet at least a minimum standard of qualifications. However, there does not appear to be any provision for incentives, outlined in our recommendations, for securing highly qualified teachers and principals and no provision for increasing African American male teachers. Moreover, this section appears to have too many loopholes that could undermine the teacher quality requirement. We recommend further work be done in this area to ensure that districts fulfill their obligation to provide qualified teachers to all students.

The National Urban League applauds the draft documents that strengthen parental involvement policies as an important step toward holding schools more accountable. We urge Congress, however, to go further and truly empower parents by including a private right of action, as recommended by the Commission on No Child Left Behind.

And although we have not reached the funding point of this process, we must never forget that these improvements that we recommend, while commendable and much-needed, will be little more than empty promises unless they are fully funded. So I take this opportunity to urge you in the strongest possible terms to fully fund No Child Left Behind and to ensure that all monies authorized be appropriated to reach all eligible children.

The National Urban League appreciates this opportunity to share our views with the committee at this very early stage of the reauthorization of the No Child Left Behind Act, and we look forward to working with you to ensure that No Child Left Behind lives up to its original promise on behalf of all of America's children.

Thank you.

[The statement of Ms. Jones follows:]

Prepared Statement of Stephanie J. Jones, Executive Director, National Urban League Policy Institute

Chairman Miller and Ranking Member McKeon, I am Stephanie Jones, Executive Director of the National Urban League Policy Institute (NULPI). Located here in Washington, D.C., the Policy Institute is the research, policy and advocacy arm of the National Urban League. Dedicated to the pursuit of economic self-reliance and equal opportunity for African Americans, the Policy Institute's work focuses on the National Urban League's 5-point empowerment agenda that includes: economic empowerment, education and youth development, health and quality of life, civil rights, and racial justice and civic engagement.

On behalf of Marc Morial, President and CEO of the National Urban League (NUL), I want to thank this committee for the opportunity to offer our comments on the August 28, 2007 committee staff discussion draft that focuses on Title I of the Elementary and Secondary Education Act of 1965, the heart of which is known as No Child Left Behind (NCLB). Our analysis of the draft bill is based on how it responds to our extensive recommendations for NCLB reauthorization that were submitted to the Committee on August 9, 2007. (Copy attached)

Throughout its 97-year history, the National Urban League has amassed substantial experience in the administration and implementation of programs that serve children and youth. In just the last three years, 2004—2006, the National Urban

League has directly served more than 727,918 children and youth[1] through a range of programs. The Urban League network of affiliates is directly involved in various aspects of No Child Left Behind Act (NCLB)—as operators of charter schools, Supplemental Educational Service (SES) providers, participants and partners under the 21st Century Learning Communities, parent education specialists, and members of local and state school improvement teams.

In July 2007, the National Urban League unveiled its groundbreaking Opportunity Compact, a comprehensive set of principles and policy recommendations designed to empower all Americans to be full participants in the economic and social mainstream of this nation. (Copy attached) The Opportunity Compact is premised on four cornerstones: 1) the Opportunity to Thrive (Children); 2) the Opportunity to Earn (Jobs); 3) the Opportunity to Own (Housing); and 4) the Opportunity to Prosper (Entrepreneurship).

The Opportunity to Thrive is the first and most fundamental of these four cornerstones because only with a solid, quality educational foundation can America's children grow up to partake in the other critical opportunities that all Americans deserve. For too many African American and Latino children however, the vision of NCLB has yet to be realized. According to the National Urban League's Opportunity Compact,

Despite the goals of the [NCLB] Act, African American and Latino students continue to lag behind their white and Asian American peers on national standardized achievement tests. The disadvantages many minority students face on a daily basis can have a serious impact on their educational experiences. For example, minority students often attend high-poverty, poorly resourced schools with less rigorous curricula[2] * * * They also experience the injustices of overrepresentation in special education classes and under-representation in gifted and advanced placement classes.[3] In addition to inadequate resources, minority students are more likely to be taught by poorly qualified or inexperienced teachers.[4] Research also suggests students of color may experience bias, such as lower teacher expectations and less challenging academic standards than their white counterparts.[5]

It is from this perspective that we offer our comments on the draft proposals for reauthorization of NCLB.

Accountability—Multiple Indicators/Assessments. While the draft provides for "multiple indicators/assessments" to measure Adequate Yearly Progress beyond reading and math tests, it makes this a State option. In our recommendations, the National Urban League did call for the use of multiple measures of assessment but we are not in favor of a "menu" approach where States could pick and choose from a list of indicators. We recommended that a "Comprehensive Accountability Framework" be put in place so that schools are accountable for student growth along all parts of the achievement continuum. Multiple measures allow for evaluation of a full spectrum of standards including higher-order thinking skills and performance skills. They also allow for greater accountability checks and balances so that one measure does not occur at the expense of others—e.g. boosting test scores by pushing out low-performing students. Therefore an index using multiple measures allows States to track students' growth at every point on the achievement spectrum. An "index" using multiple measures should work much like those used in employment or economic forecasting (GNP or Dow Jones). The multiple measures recommended would create a "dashboard" to gauge student growth.

The language used in the draft appears to allow greater opportunity for cherry picking indicators. The "menu" approach outlined in the draft is confusing and has the potential for loopholes through which the performance of certain populations could be hidden.

Addressing Resource Inequities in Our Schools. The draft appears to move in the right direction on this issue by proposing to close the comparability loophole that currently allows school districts to provide high-poverty schools with less state and local funding, which is measured largely through teacher salaries. It requires districts to attain equity in teacher distribution and to include this information on district report cards. Title I funds were intended to supplement those schools that had high numbers of disadvantaged students in order to provide "added" support. The notion is that Title I would bring "additional" monies to high poverty schools when operating from an equal funding base as measured by teacher salaries. Instead, many of these schools received fewer state and local dollars because districts used Title I funds to supplant rather than supplement.

Community Based Organizations. The draft document appears to strengthen the inclusion of non-profit community based organizations throughout various components of the Act.

Longitudinal Data System Requirement. The draft document takes a positive step towards a longitudinal data system. However, NUL is concerned that the proposed

data system is not more directly tied to a comprehensive accountability framework. The NUL recommends that states be required to develop longitudinal data systems with unique student identifiers that align student data with teacher data, school performance, and resource data. If the intent is to truly hold districts accountable for higher academic achievement then districts must provide the necessary structures, supports and conditions for high quality teaching and learning.

School Improvement and Supplemental Educational Services (SES). The National Urban League finds this section to be especially problematic. First, the NUL strongly opposes a tiered system. "Priority Schools" are those that miss AYP in one or two student groups. "High Priority Schools" missed AYP in most, if not all of their student groups. Only "High Priority Schools" would be required to provide students with SES or choice. Therefore, when the school data is disaggregated and one or two students groups do not show growth then the district will not be required to provide SES or choice. Given that the draft also allows States to "choose" indicators from a "menu" it will be a given that States could manipulate this to show the fewest student groups as missing AYP. It must be noted that the draft document does not appear to provide any provisions for the same one or two students groups showing up as missing AYP for multiple years. Though these schools will have "two" interventions from a list to these "struggling students" we view this basically as paperwork.

In its comprehensive recommendations, the NUL recommends that SES eligibility requirements be changed to offer academic support to all students not "proficient" immediately rather than have them wait three years before they can receive academic support." The draft document limits access to SES to students only attending High Priority Schools and also maintains the "cap" on monies available for this service. Districts must only set aside "20 percent of the agency's annual allocation or an amount equal to at least 20 percent of each identified school's allocation". It also appears that the draft document would allow districts to request the State to spend less and/or "use up to 10 percent for school improvement and assistance measures" thereby reducing the amount even further. The NUL would strongly oppose this as well. Many more students are in need of SES services then who actually have the opportunity to receive them.

Extended Learning Time. In our 2007 State of Black America report, the NUL recommended longer school days to keep young people—especially young boys—focused on education and away from the distractions that could lead them down the wrong paths. However, we strongly urge that any experiment with expanded learning time be funded in addition to, and not at the expense of Supplemental Educational Services.

Teacher Quality. The draft requires that all students be taught by teachers who "meet at least a minimum standard of qualifications." There does not appear to be any provision for incentives outlined in the NUL's recommendations for securing highly qualified teachers and principals, and no provision for increasing African American male teachers as proposed by NUL. This section appears to have too many ways for districts to NOT meet the teacher quality requirement. There still remain too many loopholes for districts. Though the draft states that "struggling" students must not be taught by an "unqualified teacher" for more than "two consecutive years" the draft goes on to say if districts can't find a qualified person then they must make this public to parents and the community and take steps to try to correct it. The original law called for the use of qualified teachers but districts made use of waivers and therefore the most "struggling" students continue to be taught by under-qualified teachers (those teaching out of field, etc). The NUL recommends further work in this area to eliminate districts from opting out from their obligation to provide qualified teachers to all students.

Private Right of Action. The National Urban League supports the bipartisan report of The Commission of No Child Left Behind (2007) recommendation that parents and other concerned parties have the right to hold districts, states, and the US Department of Education accountable for implementing the requirements of NCLB through enhanced enforcement options with the state and the US Department of Education. States and the US Department of Education should be required to establish a process to hear complaints, with the only remedy being the full implementation of the law. The National Urban League applauds the draft document's strengthened Parental Involvement policies as an important step towards holding schools more accountable. We urge Congress to go further by including a private right of action as recommended by the Commission.

The National Urban League appreciates this opportunity to share our views with the Committee on this very early stage of the reauthorization of the No Child Left Behind Act. We look forward to working with you to ensure that the No Child Left Behind Act lives up to its original promise on behalf of all America's children.

National Urban League (*www.nul.org*). Established in 1910, The Urban League is the nation's oldest and largest community-based movement devoted to empowering African Americans to enter the economic and social mainstream. Today, the National Urban League, headquartered in New York City, spearheads the non-partisan efforts of its local affiliates. There are over 100 local affiliates of the National Urban League located in 36 states and the District of Columbia providing direct services to more than 2 million people nationwide through programs, advocacy and research.

ENDNOTES

[1] (2007 Urban League Census)
[2] See Christopher B. Knaus. "Still Segregated, Still Unequal: Analyzing the Impact of No Child Left Behind on African-American Students." In The State of Black America 2007. National Urban League. 2007.
[3] See Caroline Rothert. "Achievement Gaps and No Child Left Behind." Youth Law News. April—June 2005.
[4] Ibid.
[5] Ibid.

National Urban League Recommendations for the Reauthorization of No Child Left Behind (NCLB)

Introduction

The National Urban League (NUL) is a nonprofit, nonpartisan, civil rights, and community based organization providing direct services, research and policy advocacy to help individuals and communities reach their full potential. NUL works primarily with African American and other emerging ethnic communities through its network of over 100 professionally staffed affiliates in over 36 states and the District of Columbia. The NUL and its affiliates work to close equality gaps for people of all economic levels and stages of life.

Throughout our 97-year history, we have amassed substantial experience in the administration and implementation of programs that serve children and youth. In just the last three years, 2004-2006, the National Urban League has directly served more than 727,918 children and youth[1] through a range of programs. The Urban League network of affiliates is directly involved in various aspects of No Child Left Behind Act (NCLB)—as operators of charter schools, Supplemental Educational Service (SES) providers, participants and partners under the 21st Century Learning Communities, parent education specialists, and members of local and state school improvement teams.

All children deserve the opportunity to thrive

In July 2007, the National Urban League unveiled its groundbreaking Opportunity Compact, a comprehensive set of principles and policy recommendations designed to empower all Americans to be full participants in the economic and social mainstream of this nation. The Opportunity Compact is premised on four cornerstones: 1) the Opportunity to Thrive (Children); 2) the Opportunity to Earn (Jobs); 3) the Opportunity to Own (Housing); and 4) the Opportunity to Prosper (Entrepreneurship). The Opportunity to Thrive is the first and most fundamental of these four cornerstones because only with a solid, quality educational foundation can America's children grow up to partake in the other critical opportunities that all Americans deserve.

It is with this goal in mind that the National Urban League, drawing upon our extensive knowledge and experience base, presents our analysis of the vision and promise of NCLB and urges that Congress take the following ten steps to ensure that NCLB lives up to its promise:

1. Authorize at least $32 billion to fully fund NCLB and ensure that all monies authorized be appropriated to reach all eligible children;
2. Require states to compare and publicly report resources available to achieve a sound and basic education for every child in every school;
3. Replace Annual Yearly Progress (AYP) with a Comprehensive Accountability Framework that can more accurately capture student performance using multiple measures of achievement;
4. Enact a federal teacher and principal supply policy to identify and support highly qualified and effective teachers and leaders for all students;
5. Establish a private right of action that gives parents and other concerned parties the ability to hold districts, states, and the US Department of Education accountable for implementing the requirements of NCLB;
6. Guarantee that all three- and four-year olds have access to full day, developmentally appropriate, high quality early childhood education;

7. Change Supplemental Education Services (SES) eligibility requirements to offer immediate academic support to all students not "proficient;"
8. Provide increased funding to states for SES and require districts to provide academic support to ALL eligible students;
9. Create a new federal secondary school improvement fund to support low-performing middle and high schools;
10. Increase funds to provide for more meaningful, understandable and timely information regarding key school and student performance data.

The vision of NCLB

In 2002 Congress signed into law NCLB with bipartisan support. This version of the 1965 Elementary and Secondary Education Act was also acknowledged by the civil rights community because it was unprecedented in that it placed an emphasis on improving education for those populations that are not well served by the nation's education system—students of color, those living in poverty, new English learners and students with disabilities. In setting annual test-score targets for subgroups of students, NCLB aimed to raise achievement and close the achievement gap with a goal of "100 percent proficiency" by 2014. Under the law, a school's failure to meet these targets, or annual yearly progress, could lead to school reconstitutions or closures, as well as the ability of parents to transfer their child. The premise of holding schools, districts and states accountable for the education of our children must be applauded even if implementation was very much shortsighted.

In fact, NCLB contains certain clear breakthroughs in education. First, data about students' performance is disaggregated by race, ethnicity, language and class, exposing what many in the civil rights community have long known: poor children and children of color are not receiving the kind of education that will lead them to high academic performance. Second, under NCLB all students are entitled to a qualified teacher, thereby acknowledging that students in poor families and students of color experience a revolving door of inexperienced and untrained teachers. Students in urban schools are more likely than their more affluent counterparts to be taught by a teacher who does not hold a major in the subject area they teach or a long term substitute not fully licensed. According to the research of Ron Ferguson, professor at Harvard University Graduate School of Education, the greatest in-school factor affecting student performance is the quality of the teacher. The compulsory nature of schooling should require the concomitant right of students to have access to a qualified teacher. And finally, NCLB provides more provisions for parent involvement and engagement than any other piece of US Department of Education legislation. The NCLB provisions that empower parents and guardians to demand that their children receive the opportunities to learn under the law are unprecedented.

Implementation of NCLB has received mixed reviews. Many question whether NCLB has actually improved student performance; some others suggest that it has actually impeded progress. Clearly, changes are needed if NCLB is to grow closer to its original intent. The following are the National Urban League's recommendations for the reauthorization of NCLB.

Money does matter

Congress and the President have under funded NLCB by approximately $56 billion since its inception. The President's proposed 2008 budget would again under fund the law by another $15 billion for a total of $71 billion since NCLB was enacted in 2002. Though the rhetoric on NCLB is unprecedented in its goal to "ensure that all children have a fair, equal and significant opportunity to obtain a high-quality education", the federal government has not invested in making this happen. Currently, NCLB funding represents less than 10 percent of most schools' budget.[2] According to the nonpartisan Congressional Research Service, Title I, Part A, alone the largest program under NCLB, would have required approximately $24.7 billion dollars in FY04 to serve all children counted under the Title I basic formula using the law's own expenditure factors. (CRS, RL31487, "Education for the Disadvantaged: Overview of ESEA Title I-A Amendments Under the No Child Left Behind Act.")[3]

Recommendation 1: The National Urban League recommends that at least $32 billion be authorized to fully fund NCLB and that all monies authorized be appropriated to reach all eligible children.

A comprehensive accountability system

NCLB was ambitious in its attempt to put into place an accountability system to ensure that all students are "proficient" by 2014. Testing is an important tool within an educational accountability system. Within a classroom testing is a diagnostic tool to help teachers gauge student learning and provide valuable information on what students know and what skills sets they are lacking At the district level testing af-

fords administrators greater understanding of how schooling is affecting different populations of students. The National Urban League supports the disaggregation of data under NCLB and believes it should continue. Additionally, the National Assessment of Educational Progress (NAEP) gives a national perspective of how the nation's schools are performing overall, even though it must be remembered that education is a state responsibility and this nation has no national curriculum of what students should know and be able to do. Unfortunately, testing alone has become synonymous with the notion of accountability and a single test has become the sole measure to gauge progress. By and large, students bear the brunt of this narrowly defined system of accountability.

The National Urban League believes that a more comprehensive system of accountability is needed, one that not only holds students, districts, and states accountable to help students become "proficient"; but also holds the federal government accountable for investing in high quality education for all students. The following recommendations are key steps to achieving this goal.

Close the Equality Gap by Ending Resource Inequities in Our Schools

To ensure that all students have access to the structures, supports, and opportunities to learn, the law must address the stark educational inequities in resources. In some states, the per pupil expenditures in high-spending schools exceed low-spending schools by a ratio of three to one. These inequities are further exacerbated across states and in schools serving high numbers of children of color and those with high concentrations of English Language Learners. If schools are to close the achievement gap by 2014, we must also close the equality gap among schools.

Recommendation 2: The National Urban League recommends that states be required to compare and publicly report resources available to achieve a sound and basic education for every child in every school. Where inequities appear, states should develop a five-year plan for equalizing resources and require a publicly-reported bi-annual report that evaluates progress towards the five-year goal. Federal incentives should be available to states to develop alternative school-finance formulas that minimize heavy reliance on local property taxes and increase resources for the students and school that need it most.

Replace Adequate Yearly Progress (AYP) with a Comprehensive Accountability Framework

The current system of a school's success is measured through AYP, which places the full responsibility for accountability on the backs of students. AYP is calculated based on a single test measure and penalizes schools with a diversity of populations, e.g. large numbers of students on free or reduced lunch, in special education, and English Language Learners. Again, the NUL supports the disaggregation of data as an accountability element. A more comprehensive accountability system is needed which uses multiple measures of assessment of student progress and achievement coupled with school indicators that provide the conditions that support high quality teaching and learning. Accountability standards for student achievement must be tied to the accountability for districts and states to provide the necessary structures, supports, and conditions for better teaching and learning. Students and teachers should not bear the brunt of accountability alone.

Recommendation 3: The National Urban League recommends that annual yearly progress (AYP) be replaced with a Comprehensive Accountability Framework that can more accurately capture student performance using multiple measures of achievement, including higher-ordered thinking and understanding, and ensure appropriate assessments for special education students and English Language Learners. Rather than provide a single snapshot of student performance as with AYP, a more comprehensive accountability system would require schools to increase their disaggregate graduation rates over time and consider graduation rates on an equal footing with high-quality assessments aligned to college and work readiness in determining school quality. States would be required to develop longitudinal data systems with unique student identifiers that align student data with teacher data, school performance, and resource data.

All Students Must Have Access to Highly Qualified and Effective Teachers and Leaders

Currently teacher quality is unevenly distributed in our schools. Those schools serving students with the most challenging needs are most likely to have the least qualified and least effective teachers. If we are serious about all students performing at high levels, then all students must have access to highly qualified teachers and principals. According to Ronald Ferguson, professor at Harvard University, the greatest in-school factor affecting student performance is the quality of the teacher. Christopher Knaus noted in the National Urban League State of Black

America 2007 report that high-poverty schools have three times as many uncertified or out-of-field teachers as low-poverty schools. These schools are more likely to have the "least experienced teachers, the highest teacher turnover rates, the highest percentage of teachers teaching outside of their fields, and often have the highest student-to-teacher ratios." The National Urban League supports the recommendations to "Provide Students with Excellent Leaders and Teachers They Need to Succeed", contained in The Plan for Success, developed by the Campaign for High School Equity, of which we are a member.

Recommendation 4: The National Urban League recommends that a federal teacher and principal supply policy be enacted to identify and support highly qualified and effective teachers and leaders for all students. Provide higher pay and other incentives, such as home-buying programs or tax credits, to attract effective school leaders and teachers to serve in high-need schools. Special attention should be made to recruit and support African American males' entry into teaching and the principalship through scholarships, loan forgiveness, fellowships, and other incentives.

Parents and Guardians Must Be Given a "Private Right of Action"

NCLB requires states to measure student achievement and hold schools accountable for results but it does not provide adequate remedies for students when states and schools fail to implement the requirements of NCLB. States are required to develop plans for assessment and accountability systems yet there are no "enforcement obligations" of the district, states, or the US Department of Education. Parents and other citizens must be given the right to ensure that states are living up to the requirements and obligations of NCLB.

Recommendation 5: The National Urban League supports the bipartisan report of The Commission of No Child Left Behind (2007) recommendation that parents and other concerned parties have the right to hold districts, states, and the US Department of Education accountable for implementing the requirements of NCLB through enhanced enforcement options with the state and the US Department of Education. States and the US Department of Education should be required to establish a process to hear complaints, with the only remedy being the full implementation of the law.

Investing in strategies to support student success

While it is important to have in place an accountability system that measures progress toward the goal, NCLB must provide equitable investment in the structures and supports that foster high quality education and academic success. As Christopher Knaus states in NUL's State of Black America 2007 report, NCLB has largely invested in the "outcomes of inequality"—the achievement gap, rather than investing in closing the inequality of opportunity to learn. The following recommendations focus on key student support strategies:

Increase Incentives and Support for Full-Day, Developmentally Appropriate, High-Quality Early Childhood Education for all Three and Four Year Olds—Universal Pre-K

The National Urban League, in its State of Black America 2007: Portrait of the Black Male report, called for universal early childhood education as important measure for addressing the crisis of the black male in America. But universal early childhood education not only benefits young black men; it is critical that ALL children enter school ready to take advantage of teaching and learning in order to be successful in their schooling.

According to "Years of Promise," the report of the Carnegie Task Force on the Primary Grades (1996), these early years are crucial in a young person's life when a firm foundation is laid for healthy development and lifelong learning. According to "The Economic Impact of Child Care and Early Education: Financing Solutions for the Future" (April 2005), high quality early childhood education helps prepare young children to succeed in school and become better citizens; they earn more; pay more taxes, and commit fewer crimes. Further, every dollar invested in quality early care and education saves taxpayers up to $13.00 in future costs. Children in these early years make tremendous gains in cognition, language acquisition, and reasoning which form the foundation for later learning. Children who have access to high-quality preschool programs are better prepared to enter primary grades and have a better chance of achieving to high levels than those who do not.

Recommendation 6: The National Urban League recommends that all three- and four-year olds have access to full day, developmentally appropriate, high quality early childhood education. Incentives should be put in place to encourage all early childhood education service providers to become NAEYC (National Association for the Education of Young Children) accredited, especially in high-need areas.

All Low Performing Students Must be Given the Support and Assistance They Need in Order to be Successful

Under NCLB, if a Title I school fails to meet its learning goals or annual yearly progress (AYP) for 3 consecutive years, a child receiving free or reduced lunch in that school is eligible to receive additional academic support through SES (supplemental educational services). However, common sense would tell us that learning is a cumulative process. Children's learning deficiencies will exacerbate exponentially the longer they do not receive the academic support they need. According to the US Department of Education, in the 2004-2005 school year only 19% of the students eligible to receive supplemental educational services under NCLB were enrolled. Approximately 38% of districts spent 20% or less of the amount set aside for SES in 2004-2005. Only 18% of districts spent 80% or more of the amount set aside for SES in 2004-2005. If we are truly committed to closing the achievement gap, then students must receive the supports they need to achieve at higher levels when they are identified and not years later. Districts should not be allowed to turn away eligible students, restrict grade levels, limit dates for enrollment, or limit the number of service providers because they do not want to spend their Title I dollars. More than 70 Urban League affiliates throughout the country offer homework and tutorial support during non-school hours serving more than 200,000 young people annually. Fifteen Urban Leagues are state approved as SES providers.

Recommendation 7: The National Urban League recommends that SES eligibility requirements be changed to offer academic support to all students not "proficient" immediately rather than have them wait three years before they can receive academic support.

Recommendation 8: Provide increased funding to states for SES and require districts to provide academic support to ALL eligible students.

Create a New Federal Secondary School Improvement Fund to Support Low-Performing Middle and High schools

The nation's middle and high schools are in crisis. The National Urban League is a member of the Campaign for High School Equity,[4] a coalition of civil rights organizations who believe that our children must graduate from "high school with a quality education that prepares them for college, the twenty-first century workplace, and overall success in life." About half of students who graduate leave high school are unprepared to be successful in college. The nation spends more than $1.4 billion a year in community college remedial education alone for those students who do attend college but without the necessary preparation they should have received while in high school. Research contained in, "The Costs and Benefits of an Excellent Education for All of America's Children," (January 2007) states that "each new high school graduate would yield a public benefit of $209,000 in higher government revenues and lower government spending for an overall investment of $82,000, divided between the costs of powerful educational interventions and additional years of school attendance leading to graduation. The net economic benefit to the public purse is $127,000 per student and the benefits are 2.5 times greater than the costs."

Recommendation 9: The National Urban League recommends that a new federal secondary school improvement fund be created to support low-performing middle and high schools.

Increase Support for Family Engagement and Support for Greater Student Learning at Home and in School

The positive connection between parent involvement and student success is supported by more than 35 years of research (Henderson & Mapp (2002); Catsambis, (2001); Simon (2004); Boethel (2003); Bohan-Baker & Priscilla (2004)).[5] Schools with well-structured, high quality parent and family involvement programs see higher student grades, test scores, and graduation rates, a decrease in the use of drugs and alcohol and fewer instances of violent behavior rates, and an increase in teachers' and administrators' morale and job satisfaction. A two-year study by the Appleseed Foundation found that even though NCLB had many laudable provisions for parent engagement, districts failed to provide parents with information in a clear and timely manner. The information that was provided, was not sensitive to the cultural, language, and needs of those served.

Recommendation 10: The National Urban League recommends that funds be increased to provide for more meaningful, understandable and timely information regarding key school and student performance data. States, districts and schools should be required to use multiple strategies for communicating with parents that are culturally sensitive and in the language of the home.

ENDNOTES

[1] (2007 Urban League Census)

[2] Darling Hammond, Linda. May 21, 2007. The Nation.

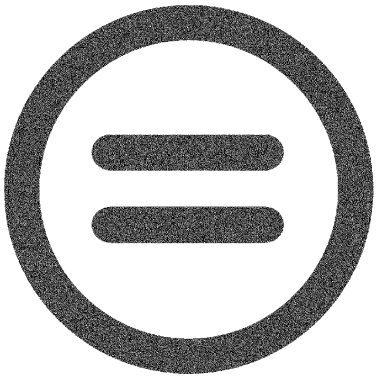
[3] As referenced in "Title I funds: Who's Gaining, Who's Losing & Why". The Center on Education Policy, June 2004.

[4] Campaign for High School Equity, A plan for success: communities of color define policy priorities for high school reform. (2007)

[5] Henderson & Mapp, A new wave of evidence: The impact of school, family, and community connections on student achievement. (2002); Catsambis. Expanding knowledge of parental involvement in children's secondary education: Connections with high school seniors academic success. (2001); Simon. High school outreach and family involvement (2004); Boethel. Diversity: school, family, and community connections (2003); Bohan-Baker & Priscilla. The transition to kindergarten: A review of current research and promising practices to involve families (2004).

THE OPPORTUNITY COMPACT

BLUEPRINT FOR ECONOMIC EQUALITY



NATIONAL URBAN LEAGUE

July 2007

Established in 1910, The Urban League is the nation's oldest and largest community-based movement devoted to empowering African Americans to enter the economic and social mainstream. Today, the National Urban League (www.nul.org), headquartered in New York City, spearheads the non-partisan efforts of its local affiliates. There are over 100 local affiliates of the National Urban League located in 36 states and the District of Columbia providing direct services like job training, home ownership and educational assistance to millions of people nationwide along with extensive advocacy and research.

INTRODUCTION

To The Opportunity Compact

Opportunity • *noun*:
a good chance for advancement or progress

Compact • *noun*:
a signed written agreement between two or more parties to perform some action

WHAT IS THE OPPORTUNITY COMPACT?

The Opportunity Compact is a comprehensive set of principles and policy recommendations set forth by the National Urban League (NUL) designed to empower all Americans to be full participants in the economic and social mainstream of this nation. In pursuit of this end, NUL 1) identifies principles that reflect the values inherent in the American dream; 2) examines the conditions that have separated a significant portion of the American population - particularly the poor and disadvantaged residents of urban communities — from accessing that dream; 3) proposes, for honest evaluation and discussion, several policy recommendations intended to bridge the gap between conceptualization and realization of the American dream.

The Opportunity Compact is the culmination of extensive research and policy analysis by the National Urban League Policy Institute (NULPI) and is based upon the input of dozens of policy experts from academia, public policy think tanks, non-profit service and advocacy organizations, the business sector, and the Urban League movement. Among other things, the NULPI hosted a series of roundtable discussions and obtained feedback and recommendations from numerous experts concerning the development of a coherent and comprehensive plan for empowering the nation's urban communities. As the foundation for such a plan, NUL has clearly identified four cornerstones that reflect the values represented by the American dream: (1) The Opportunity to Thrive (Children), (2) The Opportunity to Earn (Jobs), (3) The Opportunity to Own (Housing) and (4) The Opportunity to Prosper (Entrepreneurship). These cornerstones are supported by a list of ten policy priorities.

WHO ARE THE ENTITIES INVOLVED?

The words *opportunity* and *compact,* as defined above, offer a concise and self-explanatory description of what *The Opportunity Compact* represents – an agreement between interested parties to take actions that will improve the chances for advancement and progress of those living in America's cities. The diversity of talents, experiences, ideas and interests represented in the population of the United States is the greatest asset this country possesses. As such, NUL believes that the collaborative efforts of private citizens, national, state and local governments, community-based service providers and the business community will expand opportunities for advancement and progress among the poor, disadvantaged and underserved. The policy recommendations offered in this report are not a laundry list of things for the federal government to perform on behalf of a select group of citizens. Rather, there is a role for all parties – public and private - to play as we together seek to strengthen our nation by maximizing the potential of all our citizens.

WHAT IS THE DESIRED OUTCOME?

The National Urban League embarked upon the task of developing *The Opportunity Compact* with the goal of drawing upon the strength of NUL's ninety-seven year history as the nation's oldest and largest community-based movement for social and economic empowerment to reassert the organization as a proactive and effective agent in the development of public policy. This document serves as a vehicle through which to assert specific principles and policy recommendations as the foundation for a plan of action to address the challenges faced by those in urban communities throughout the country. As such, this document is also intended to elicit serious responses from the 2008 presidential candidates, legislators, the private sector, the public and other community-based organizations with the ultimate objective of putting in place a comprehensive plan for advancing the promise of America's cities. By generating new ideas, initiating productive partnerships and fostering collaboration, *The Opportunity Compact* seeks to expand access to the incentives and rewards that act as the driving force behind what makes this country great – personal responsibility, initiative and hard work.

CORNERSTONES & GUIDING PRINCIPLES OF THE OPPORTUNITY COMPACT

There are four cornerstones to *The Opportunity Compact*:

1. Opportunity to Thrive (Children)

- Every child in America deserves to live a life free of poverty that includes a safe home environment, adequate nutrition, and affordable quality health care.

- Every child in America deserves a quality education that will prepare them to compete in an increasingly global marketplace.

2. Opportunity to Earn (Jobs)

- Every willing adult in America should have a job that allows them to earn a decent wage and provide a reasonable standard of living for themselves and their families.

- Every adult in America should have equal access to the resources that enhance employability and job mobility, including postsecondary education and other investments in human capital.

3. Opportunity to Own (Housing)

- Every adult in America should have access to the financial security that comes from owning a home.

4. Opportunity to Prosper (Entrepreneurship)

- Every individual in America who possesses entrepreneurial vision, ingenuity, drive and desire should have access to the resources needed to establish and grow a viable business enterprise.

TOP TEN POLICY PRIORITIES OF THE OPPORTUNITY COMPACT

Opportunity to Thrive (Children)

1. Commit to mandatory early childhood education beginning at age three as well as guarantee access to college for all.

2. Close the gaps in the health insurance system to ensure universal healthcare for all children.

3. Establish policies that provide tools for working families to become economically self-sufficient.

Opportunity to Earn (Jobs)

4. Create an urban infrastructure bank to fund reinvestment in urban communities (e.g. parks, schools, roads).

5. Increase economic self-sufficiency by indexing the minimum wage to the rate of inflation and expanding the Earned Income Tax Credit to benefit more working families.

6. Expand "second chance" programs for high school drop outs, ex-offenders and at-risk youth to secure GEDs, job training and employment.

Opportunity to Own (Housing)

7. Adopt the "Homebuyer's Bill of Rights" as recommended by the National Urban League.

8. Reform public housing to assure continuing national commitment to low-income families.

Opportunity to Prosper (Entrepreneurship)

9. Strongly enforce federal minority business opportunity goals to ensure greater minority participation in government contracting.

10. Build capacity of minority business through expansion of micro-financing, equity financing and the development of strategic alliances with major corporations.

IMPLEMENTATION
of the
TOP TEN POLICY PRIORITIES

Opportunity to Thrive (Children)

1. Commit to mandatory early childhood education beginning at age three as well as guarantee access to college for all.

All children must enter school ready to take advantage of teaching and learning. According to "Years of Promise", the report of the Carnegie Task Force on the Primary Grades, these early years are crucial in a young person's life when a firm foundation is laid for healthy development and lifelong learning. The National Urban League recommends that all three- and four-year olds have access to full day, developmentally appropriate, high quality early childhood education. Incentives should be put in place to encourage all service providers to become NAEYC (National Association for the Education of Young Children) accredited.

In addition to a commitment to education in early childhood, The National Urban League also recognizes that, although the current system of K-12 education as a free public right may have been sufficient at a time when a high school education qualified people for most jobs in this nation, it is no longer enough. In a competitive global economy, more training, education and skills are needed for the jobs of the future. A program which provides sufficient per student funds to pay for basic tuition at most public universities (at least for two years) is a necessary component of a system that meets the needs of the future.

2. Close the gaps in the health insurance system to ensure universal healthcare for all children.

While Medicaid and the State Children's Health Insurance Program (SCHIP) have made tremendous progress in improving children's health insurance coverage, nine million children in America, almost 90 percent living in working households and a majority in two-parent families, are still uninsured. If enacted, the *All Healthy Children Act* (H.R. 1688) would close the coverage gap by simplifying and consolidating Medicaid and SCHIP while expanding eligibility for more children as well as pregnant women below 300% of poverty. In addition to the provision

of health insurance, The National Urban League also recommends that the policies advancing universal healthcare encompass improvements in access and quality of care in poor communities.

3. Establish policies that provide tools for working families to become economically self-sufficient.

Family support policies are a crucial part of moving low-income families into economic self-sufficiency. Since many of the country's low-income families are headed by single mothers, the National Urban League urges the creation and implementation of policies that include, but are not limited to, quality child and infant care, transportation assistance, education and training programs that encourage, rather than penalize, additional skills attainment, and paid leave time for all working parents as proposed by the *Healthy Families Act*. The National Urban League also urges reconsideration of the 5-year lifetime limit for Temporary Assistance for Needy Families (TANF).

Opportunity to Earn (Jobs)

4. Create an Urban Infrastructure Bank to fund reinvestment in urban communities (i.e. parks, schools, roads).

The Urban Infrastructure Bank would be financed by a stream of federal bond revenue used to create a large pool of funds to rebuild schools, water, wastewater, parks, playgrounds, community centers, recreation centers, as well as streets in economically underserved urban areas. Such a bank would allow a significant infusion of capital expenditures into employment generating activities in urban communities.

5. Increase economic self-sufficiency by indexing the minimum wage to the rate of inflation and expanding the Earned Income Tax Credit (EITC) to benefit more working families.

The National Urban League has consistently supported increases in the federal minimum wage and has called for future increases to be indexed to inflation so that workers never again have to beg politicians to protect their income during the economy's inevitable ups and downs. At least four states currently index their minimum wage to prices; maintaining purchasing power for minimum wage workers without creating adverse effects for the broader state economy.

As accomplished through the EITC, alleviating the tax burden and supplementing the wages of low-income working families have been effective means of encouraging economic self-sufficiency through employment. The National Urban League recommends building upon the success of the EITC through: 1) simplification of the process for claiming the credit; 2) more outreach to eligible families who have not claimed the credit; and 3) increasing the size of benefits for all eligible families, including those without minor children and those with three or more minor children, in such a way that further reduces poverty and hardship among working families.

6. Expand "second chance" programs for high school drop outs, ex-offenders and at-risk youth to secure GEDs, job training and employment.

"Second chance" programs may include anything from blended high schools that provide flexibility for non-traditional students by integrating academic and career education to the development of a comprehensive reentry mechanism for ex-offenders that includes housing, job training, adult basic education, psychological counseling and drug treatment. The evidence suggests that local agencies could play an important intermediary role with employers in low-wage labor markets by providing job placement, transportation, basic skill enhancements, and assistance in developing career advancement strategies for low-wage adults. In addition to these "second chance" efforts, it is also important to have in place a well-defined pipeline that facilitates the transition of socially and economically disadvantaged youth into the labor force through college, apprenticeships or internships.

Opportunity to Own (Housing)

7. Adopt the "Homebuyer's Bill of Rights" as recommended by the National Urban League.

The *National Urban League Homebuyer's Bill Of Rights* asserts that every homebuyer in America should have: 1) The right to save for homeownership tax free; 2) The right to high quality homeownership education; 3) The right to truth and transparency in credit reporting; 4) The right to production of affordable housing for working families; 5) The right to be free from predatory lending; and 6) The right to aggressive enforcement of fair housing laws. The full list of recommendations for

accomplishing these goals can be found on the National Urban League's website: *(www.nul.org/PressReleases/2007/2007PR389.html).*

8. Reform public housing to assure continuing national commitment to low-income families.

In the judgment of the National Urban League, the HOPE VI program, while well-intentioned, is broken and in need of overhaul. Therefore, the National Urban League proposes a return to the core stated tenets of the program: *to transform public housing communities from islands of despair and poverty into a vital and integral part of larger neighborhoods; and, to create an environment that encourages and supports individual and family movement toward self-sufficiency.* The following actions are important in accomplishing this end: 1) HUD should be required to publish an updated list of public housing developments eligible for HOPE VI funds according to a new definition of 'severe distress' created in collaboration with public housing residents, housing advocates, housing experts, and others; 2) All public housing units subject to demolition or redevelopment under HOPE VI should be replaced with new public housing units on a one-for-one basis; 3) HUD should be required to issue regulations governing the administration of HOPE VI redevelopment activities, which should provide enforceable, on-going rights of resident participation; 4) Public housing residents should be guaranteed the right to occupy units redeveloped under HOPE VI, and the relocation rights of displaced residents should be strengthened and clarified.

Opportunity to Prosper (Entrepreneurship)

9. Strongly enforce federal minority business opportunity goals to ensure greater minority participation in government contracting.

In addition to the enforcement of established minority contracting goals, it is also imperative that these goals are updated and revised as the marketplace changes and grows. Compliance with established goals should be supplemented by appropriate matching between government agencies and potential minority contractors as well as maintenance of an appropriate mix of contracts attainable to businesses of various sizes. The National Urban League also calls for greater transparency in the government contracting process by making RFPs easier to access, conducting ongoing disparity studies, and providing truth in procurement spending through disclosure of the competitive and non-competitive bidding processes.

10. Build capacity of minority business through expansion of micro-financing, equity financing and the development of strategic alliances with major corporations.

Capacity building is an important part of sustaining a profitable business enterprise of any scale. The National Urban League proposes three distinct methods for providing access to the capital necessary to sustain and grow a business at any stage of development. These methods include: 1) micro-financing, which provides small business loans (typically under $100,000) to microentrepreneurs (those with five or fewer employees); 2) equity financing (money acquired from investors or the small-business owner) for businesses seeking to expand beyond the scale of a small-business; and 3) strategic alliances between major corporations and larger-scaled minority-owned businesses in search of the kind of synergistic relationships necessary for major industry presence and scale.

MAKING THE CASE

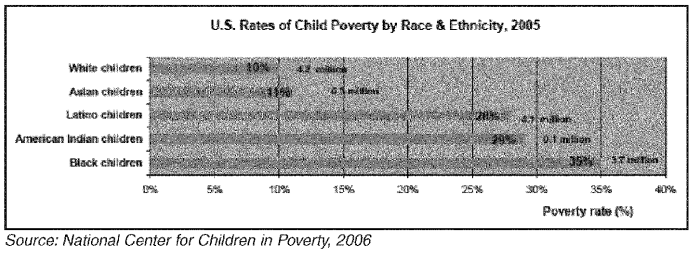
The Opportunity to Thrive (Children)

America's performance, relative to other global leaders, in the provision of services to children offers a sobering picture of our national priorities. According to UNICEF, among developed countries, the United States ranks 20 out of 24 in children's material well-being, 14 out of 24 in children's educational well-being, and last in children's health and safety[1]. These international comparisons only tell part of the story about the unforgiving injustices that minority children face daily due to disproportionate rates of poverty, inadequate education and a lack of accessibility to healthcare.

U.S. Childhood Poverty

Despite moderate economic growth, about 1.3 million more children were living in poverty in 2005 than in 2000. The fact that nearly 13 million American children live in families with incomes below the federal poverty level doesn't tell the entire story of disparities based on locale and race. Children in urban areas are more likely to live in low-income families than are rural or suburban children and the rate of poverty for African American children (35%) is higher than that of any other group in this country (Figure 1). The poverty disproportionately experienced by African American and Latino children and families has led to experiences in poor education and school facilities, a lack of quality health care, isolation in poor, segregated urban neighborhoods, and high unemployment and underemployment of family members.

FIGURE 1



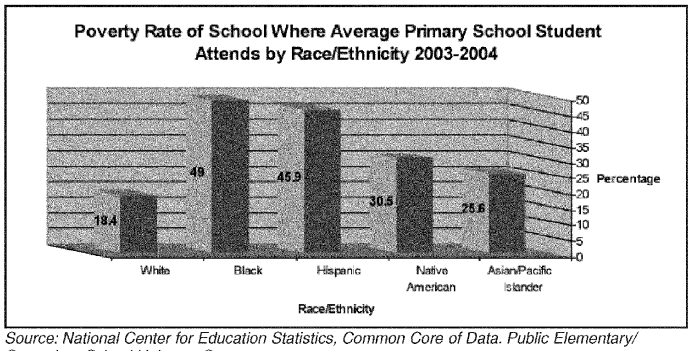
Source: National Center for Children in Poverty, 2006

[1] See UNICEF. "Child Poverty in Perspective: An Overview of child well-being in rich countries," Innocenti Report Card 7, 2007.

Education and the Achievement Gap

Despite the goals of the No Child Left Behind Act (NCLB), African American and Latino students continue to lag behind their white and Asian American peers on national standardized achievement tests. The disadvantages many minority students face on a daily basis can have a serious impact on their educational experiences. For example, minority students often attend high-poverty, poorly resourced schools with less rigorous curricula[2] (Figure 2). They also experience the injustices of overrepresentation in special education classes and under-representation in gifted and advanced placement classes[3]. In addition to inadequate resources, minority students are more likely to be taught by poorly qualified or inexperienced teachers[4]. Research also suggests students of color may experience bias, such as lower teacher expectations and less challenging academic standards than their white counterparts[5].

FIGURE 2



Source: National Center for Education Statistics, Common Core of Data. Public Elementary/ Secondary School Universe Survey

The gaps that exist in grade school often have their roots in the early stages of child development. Before entering kindergarten, the average cognitive scores of pre-school age children in the highest socioeconomic group are 60 percent above the average scores of children in the lowest socioeconomic

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[2] See Christopher B. Knaus. "Still Segregated, Still Unequal: Analyzing the Impact of No Child Left Behind on African-American Students." In *The State of Black America 2007*. National Urban League. 2007.

[3] See Caroline Rothert. "Achievement Gaps and No Child Left Behind." *Youth Law News*. April – June 2005.

[4] Ibid.

[5] Ibid.

group[6]. At age 4, children who live below the poverty line are 18 months below what is normal for their group; by age 10 that gap is still present[7]. These statistics eventually translate into achievement gaps in high school as well. Statistics show that 12th grade African American and Latino students have reading and math skills that are almost equivalent to eighth-grade white students[8].

Health Disparities and Healthcare for Poor Families

Poor and minority children, especially African American and Latino children, continue to lag behind Whites and affluent children in almost every health indicator. Poor children and children of color are at a disproportionate risk for exposure to environmental hazards like lead paints, dampness and mold, and inadequate ventilation. As a result, African Americans and Latinos are two to six times more likely than whites to die from asthma[9] and African American children are 5 times more likely than white children to suffer from lead poisoning[10]. The pandemic of childhood obesity is also more common among African American children. In 2003-2004, a quarter of non-Latino black females ages 12 to 19 were overweight, compared to 15 percent of non-Latino whites and 14 percent of Mexican American youth[11]. Children who are overweight run the risk of developing type-2 diabetes, cardiovascular problems and arthritis.

Children from communities of color are less likely to have employer-based coverage and are more dependent upon government programs such as Medicaid and SCHIP which provide a safety net for the growing number of families without private health insurance. Slightly more than half of insured African American (51.3%) and Latino children (50.3%) are covered by these programs[12]. However, even since the inception of the State Children's Health Insurance Program (SCHIP), African Americans remain twice as likely as whites to go uninsured, while Latinos remain three times as likely to go uninsured than whites (Figure 3). Uninsured African American

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[6] See Lisa G. Klein and Jane Knitzer. "Promoting Effective Early Learning: What Every Policymaker and Educator Should Know." National Center for Children in Poverty. January 2007.

[7] Ibid.

[8] See Caroline Rothert. "Achievement Gaps and No Child Left Behind." *Youth Law News*. April – June 2005.

[9] National Institute of Allergy and Infectious Diseases. 2002.

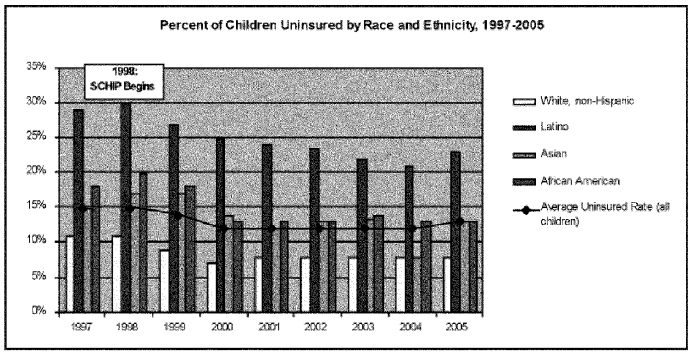
[10] See "Update: Blood Lead Levels in the United States, 1991-1994." *Morbidity and Mortality Weekly Report*, 46(7). Centers for Disease Control. 1997.

[11] See Cynthia Ogden et al. "Prevalence of Overweight and Obesity in the United States, 1999-2004." *Journal of the American Medical Association*. April 2006.

[12] See Kaiser Family Foundation. "SCHIP and Children's Health Coverage: Leveling the Playing Field for Minority Children." December 2006. (www.kff.org)

children are at higher risk for reduced access to health care. For example, they are 26 percent more likely to have delayed medical care due to cost and have an 81 percent higher likelihood of having no usual place of health care[13].

FIGURE 3



Source: U.S. Census Bureau Current Population Survey

The Opportunity to Earn (Jobs)

THE ECONOMIC PLIGHT OF WORKING FAMILIES

The existence of a relatively large middle class makes the United States unique among nations and represents a real opportunity for social and economic mobility as a bridge between the extremes of poverty and wealth. For many Americans, attainment of middle class status has become synonymous with achieving the "American dream;" a dream rooted in a shared work ethic and sense of independence which says that there is value in work that empowers people to provide certain necessities and comforts for themselves and their families including economic security, a safe home, a quality education for their children, reliable health care and a comfortable retirement. This strong sense of independence, however, is balanced by a sense of fairness and social connectedness, as demonstrated by the public provision of certain types of safety nets.

Unfortunately, for a growing segment of the population, particularly working and middle-class families, economic security has grown increasingly

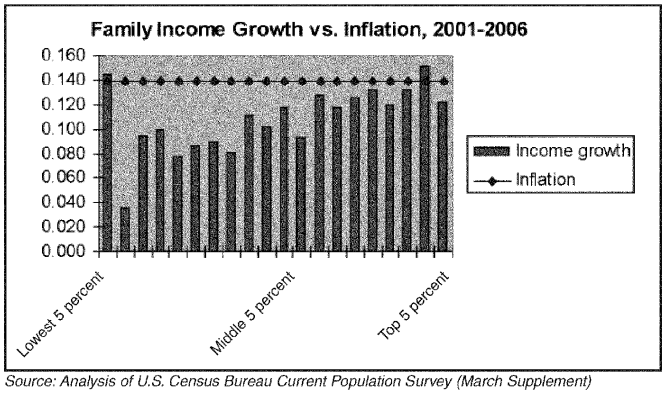
[13] See Children's Defense Fund. *The State of America's Children: Yearbook 2004.* July 2004.

difficult to maintain. In fact, according to a 2006 report from the Center for American Progress, the increase in downward short-term mobility from 1997-98 to 2003-04 was driven by the experiences of middle-class households (those earning between $34,510 and $89,300 in 2004 dollars)[14]. Some of the factors affecting the economic well-being of working families include low wage growth, rising costs of food, housing, medical care, child care, higher education and gasoline, and the disappearance of employer-provided pensions and health care benefits.

Income Growth and Changes in the Cost of Living

Working families[15] have experienced a dramatic increase in the cost of living, while wage growth has failed to keep pace with these increases. For example, between 2001 and 2006, overall inflation increased by 14 percent[16]. This was accompanied by a less than 14 percent increase in the median family income of working families (Figure 4). Over the same period of time, there were especially dramatic increases in the price of goods such as gasoline (79%), college tuition and fees (45%), child care (26%), and medical care (23%).

FIGURE 4



Source: Analysis of U.S. Census Bureau Current Population Survey (March Supplement)

[14] See Tom Hertz. "Understanding Mobility in America." Center for American Progress publication. April 2006.

[15] For the purpose of this analysis, a family is defined as a married couple or single parent primary family with at least one child under the age of 18. A family is considered working if in the last 12 months, family members age 15 and older have a combined work effort of at least 39 weeks or a combined work effort of at least 26 weeks plus one unemployed parent actively looking for work in the past four weeks.

[16] All inflation estimates in this paragraph are based upon the Consumer Price Index for All Urban Consumers (CPI-U).

Poverty

In 2006 7.5 percent of working families were living below the poverty threshold, while one-fourth of working families lived below 200 percent of poverty (Figure 5). Working families with a minority parent were three to four times as likely to be in poverty as families with a white parent (Figure 6). This statistic has intergenerational implications in that research suggests that African American children born in the bottom quartile are almost twice as likely to remain there as adults than white children born to parents with identical incomes[17]. These differences persist even after controlling for parental background factors, such as whether the household was female-headed or receiving public assistance.

FIGURE 5

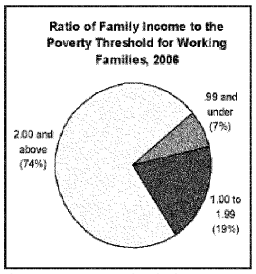
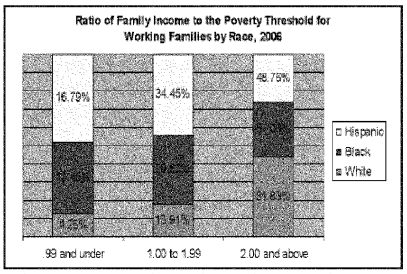


FIGURE 6



Source: Analysis of U.S. Census Bureau Current Population Survey (March Supplement)

Two of the underlying factors in the existence of economic disparities along racial lines are differences in family composition and educational attainment. Family composition has a major effect on the number of wage earners in a home and thus the family's total income. Less than one-third of families in the lowest 20 percent of the income distribution have multiple earners, compared to 81 percent of families in the top 20 percent. In terms of family composition, slightly more than half (51%) of African American working families are headed by a married couple compared to over 82 percent of white and 79 percent of Latino families. Over three-fourths (77%) of all single parent working families are headed by a female[18].

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[17] See Tom Hertz. "Understanding Mobility in America." Center for American Progress publication. April 2006.

[18] Based on analysis of Current Population Survey, March Supplement, 2006.

Educational attainment is also closely related to earnings. According to 2005 estimates from the Bureau of Labor Statistics, individuals with a bachelor's degree earn more than one and a half times as much as high school graduates and more than twice as much as those without a high school diploma. Also, the black-white earnings gap narrows considerably when you compare median earnings of blacks and whites with a bachelor's degree or higher[19]. Most adults in working families with a white parent have a bachelor's degree or higher (37%), while for African American working families, most adults have only a high school diploma (36%) and most adults in Latino working families have less than a high school diploma (33%).

Occupations of Adults in Working Families

Finally, the majority of non-white adults in working families are employed in service occupations (23% of African American and 22% of Latino workers) while the majority of whites (23%) are employed in professional occupations[20]. This in part reflects differences in average educational attainment and much of the resulting differences in family income by race. However, based upon research in *The State of Black America 2006* report, there is a general pattern of exclusion in the most desired management and professional occupations even for black males with the requisite educational qualifications. This pattern, known as "crowding out", also holds for the sales and office occupations[21]. As a matter of fact, only 14 percent (67 out of 475) of occupations in the U.S. exhibit no "crowding out" and the average wage across "crowded" occupations is 74 percent lower than the average wage across "crowded out" occupations[22].

THE URGENT PROBLEMS OF LOW-INCOME AFRICAN AMERICAN MALES

The State of Black America 2007 report was dedicated to various aspects of the plight of African American males. In many ways, two different worlds exist for African American males. In one world, the number of black men graduating from college has quadrupled since the passage of the 1964 Civil Rights Act; in the other, more black men are earning high school equivalency diplomas in prison each year than are graduating from college. In one world, black families consisting of a father and a mother have a median family income nearly equal to white families; in the other, more than half of the

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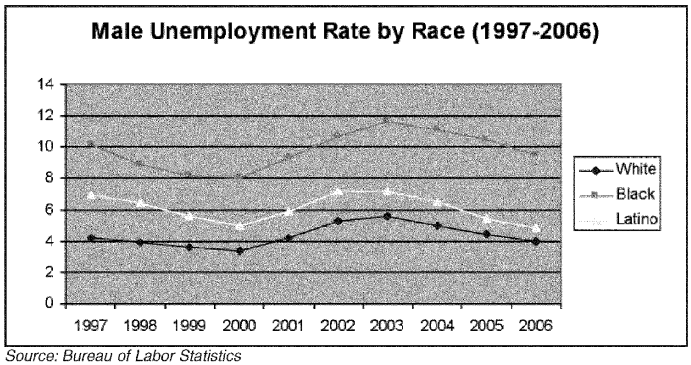
[19] See *http://nces.ed.gov/programs/coe/2006/section2/table.asp?tableID=475*
[20] Based on analysis of Current Population Survey, March Supplement, 2006.
[21] See Darrick Hamilton. "The Racial Composition of American Jobs." In *The State of Black America 2006* report. National Urban League. 2006.
[22] Ibid.

nation's 5.6 million black boys live in fatherless households, 40 percent of which are impoverished[23]. The existence of these two worlds is both an example of what is possible, and a warning about the consequences of marginalization, racism and inequality.

Unemployment

Although the unemployment rate for all racial and ethnic groups follows the economic cycle (higher during recessions, lower during recoveries), black male unemployment is consistently higher than any other group and usually twice that of whites (Figure 7). These high rates of unemployment among black males have been attributed to a lack of skills necessary for participation in today's mainstream labor force, a shortage of relatively well-paying jobs for those with less than a college education, and disproportionately high rates of incarceration, accompanied by discrimination by employers against former prisoners.

FIGURE 7



Source: Bureau of Labor Statistics

Education

One explanation for why black men experience higher rates of unemployment is the fact that the average level of educational attainment is lower for this group. In many inner cities, more than half of all black men do not finish high school[24], and in 2004, 72 percent of black male high school

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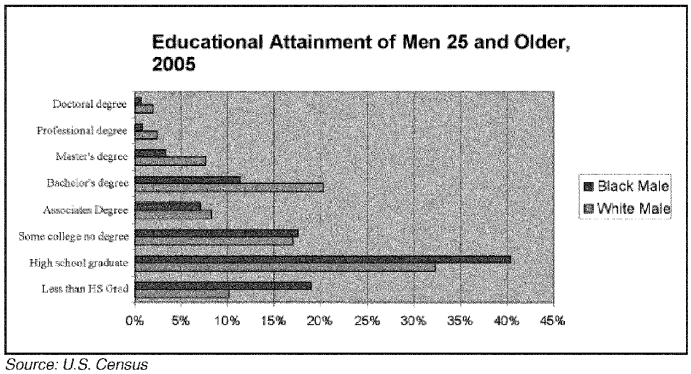
[23] See Michael A. Fletcher. "At the Corner of Progress and Peril." The Washington Post. June 2, 2006.
[24] See Gary Orfield, ed. *Dropouts in America: Confronting the Graduation Rate Crisis.* Harvard Education Press. 2004.

dropouts in their twenties were jobless[25]. Nearly 20 percent of all black men over age 25 have no high school diploma compared with only 10 percent of white men (Figure 8). At the upper end of the educational spectrum, black men are getting master's degrees, PhD's and professional degrees at half the rate of white men. It has been well-documented that education is a major determinant of earning power and employability. According to the Bureau of Labor Statistics, in 2005 the unemployment rate of those without a high school diploma was nearly three times the unemployment rate of college graduates.

FIGURE 8



Source: U.S. Census

Incarceration

Another contributing factor to higher unemployment for Black men is their much higher incarceration rates. Although comprising only 12 percent of the U.S. population, nearly 40 percent of all prison inmates were black in 2005, and the black incarceration rate was *over 6 times* the incarceration rate for whites[26]. The rate of incarceration is highest for men between the ages of 25 and 29, when over 8 percent of black men are in prison, compared with only 1 percent of white men (Figure 9). The rate of incarceration among black males has been increasing since the 1990s due in large part to harsher punishments for repeat offenders (e.g. "three strikes law") and drug laws that impose harsher sentences on those found in possession of crack cocaine. In 2005, drug offenders comprised 20 percent of state prisoners

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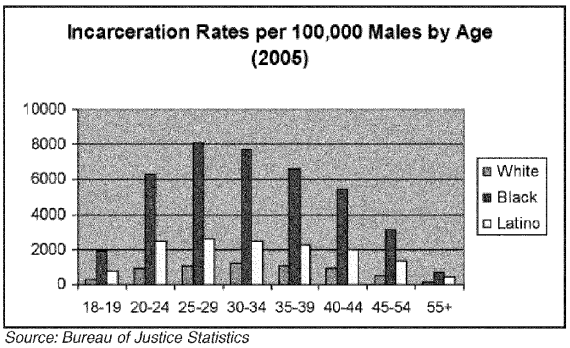
[25] See Bruce Western. *Punishment and Inequality in America.* Russell Sage Foundation. 2006
[26] Bureau of Justice Statistics

and almost 55 percent of federal prisoners[27]. A history of incarceration not only interferes with educational attainment, but also becomes a significant employment barrier; therefore, the effect of even a short imprisonment can last a lifetime.

FIGURE 9



Source: Bureau of Justice Statistics

The Opportunity to Own (Housing)

For most Americans, the largest single asset they will ever own will be their home. Homeownership means greater personal wealth. Empowering more Americans to become responsible homeowners takes us a step closer to closing the wealth gap that exists between blacks and whites in the United States. In addition to the economic benefits, homeownership has also been linked to educational gains for children, increased civic participation and even health benefits[28].

Homeownership Rates

According to the U.S. Census, nearly 70 percent of Americans owned their homes in 2006 – down slightly from the all time high in 2004. Yet there are troubling disparities in homeownership rates when segmented by race (Figure 10). After increasing for the previous ten years, homeownership has

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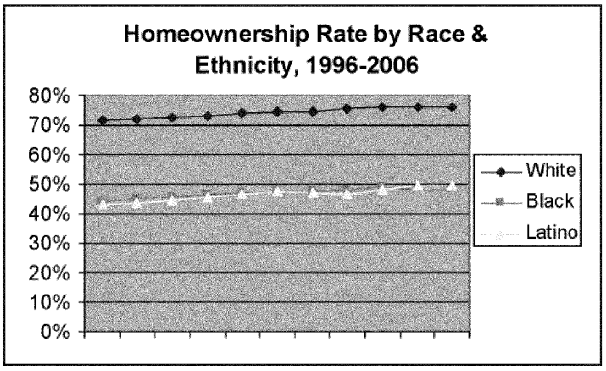
[27] Ibid.
[28] National Association of Realtors. 2006.

declined for blacks in each of the last two years (from 49.1% in 2004 to 47.9% in 2006; nearly 28 points below whites).

FIGURE 10



Source: U.S. Census

The *National Urban League Homebuyer's Bill Of Rights*, released in March 2007, identifies four major obstacles standing in the way of more Americans owning their homes: 1) lack of net savings for down payments and closing costs; 2) lack of information on how to shop for homes and apply for loans; 3) lack of quality affordable units in livable locations; and 4) lack of consumer protection. Other studies have found that lower homeownership rates for African Americans are due to lower application rates, which are affected by differences in the role that families play in helping to generate mortgage down payments, as well as differences in wealth, income and marital status[29].

Lending Practices

Recently, the lending industry has been characterized by three main trends: (1) an increase in lending products, (2) more places to get a loan, and (3) a distinct need for housing counseling. Compared with only a handful of products available ten years ago, there are now a myriad of lending

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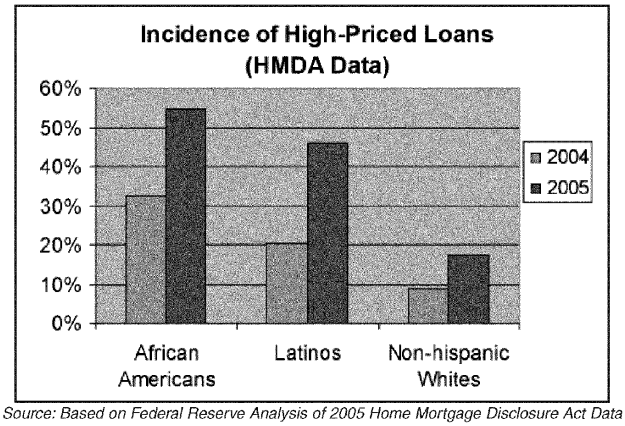
[29] See Kerwin Kofi Charles and Erik Hurst. *"The Transition to Home Ownership and the Black-White Wealth Gap". The Review of Economics and Statistics.* March, 2000; Donald Haurin, et al. *"Homeownership Gaps Among Low-Income and Minority Households".* Ohio State University Working Papers, 07-02. January, 2007.

products including interest-only loans, reverse mortgages, and 15-year loans with balloon payments. Whereas commercial banks were once the primary providers of home loans, mortgage brokers now account for half of all originations and 70% of originations in the subprime market[30]. With the loosening of lending standards, minimal oversight of brokers and far more options, there is a greater chance that a borrower can be placed in an inappropriate loan. For example, between 35 percent and 50 percent of those with subprime loans could have qualified for a prime loan[31].

FIGURE 11



Source: Based on Federal Reserve Analysis of 2005 Home Mortgage Disclosure Act Data

According to Home Mortgage Disclosure Act (HMDA) data, in 2005 there was a 37.5 percentage point gap between African Americans and whites in the incidence of high-priced loans, compared to the previous year's gap of 23.7 percentage points. A Federal Reserve study found that almost 20 points of the difference is due to choice of bank resulting from aggressive marketing, lack of consumer education or fewer local lending choices. Just less than 8 points of the difference was due to borrower characteristics in the data such as loan size and income, while the remaining 10 points of the difference could not be explained by available lender or borrower characteristics.

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[30] See "Residential Mortgage Origination Channels." *MBA Research Data Notes.* September 2006.
[31] Fannie Mae, 2001.

Housing Segregation and Discrimination

While racial segregation has decreased over the last three decades, in part due to fair housing enforcement, segregation still persists in many areas and neighborhoods that are predominately minority are much more likely to be poor. On average, homes in predominantly minority neighborhoods are often worth less (according to one study, 18% less value), even accounting for differences in income[32]. The Census Bureau's *Racial and Ethnic Segregation in the United States* identifies only 8 of 220 metropolitan areas which had an increase in black-white segregation, while 203 experienced a decrease.

Finally, fair housing enforcement continues to be important. The National Fair Housing Alliance (NFHA) believes that there are at least 3.7 million violations of the Fair Housing Act against minorities in rental and sales alone, but less than one percent is reported or even detected. Support for fair housing enforcement has remained essentially level over the last few years, despite continued evidence of discrimination in rental, sales and lending markets.

The Opportunity to Prosper (Entrepreneurship)

Minority business enterprises (MBE) are defined as business entities in which minorities own 51 percent or more of the stock or equity. In 2002, MBEs represented 18 percent (4.1 million) of classifiable firms, grossed 8 percent of all annual gross receipts ($668 billion), and employed 9 percent of all paid employees (4.7 million)[33]. In that same year, there were 1.2 million African American-owned firms in the U.S. employing 754,000 persons and generating $89 billion in revenue[34]. The importance of minority-owned businesses to urban economic development is well documented. Minority-owned firms are more likely to locate in urban communities, making them more likely to hire minority workers, lowering local unemployment rates. They are also more likely to purchase from minority-owned suppliers, contributing to the growth of other minority-owned businesses. Despite these benefits, MBEs continue to face a number of barriers to firm formation and

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[32] See David Rusk. "*The Segregation Tax: The Cost of Racial Segregation to Black Homeowners*". Brookings Institution. 2001.

[33] See *The State of Minority Business Enterprises*. Minority Business Development Agency. August 2006.

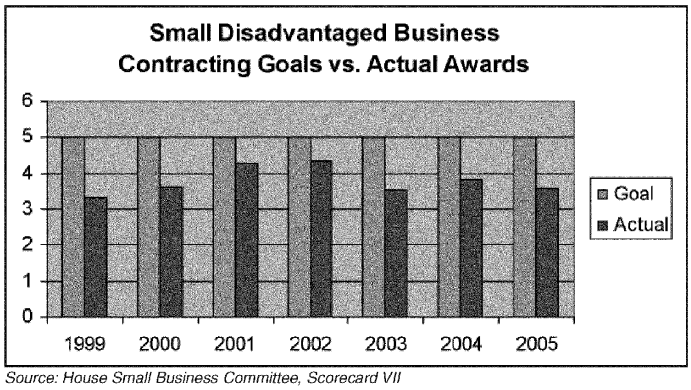
[34] Ibid.

growth including lack of financial capital, lack of social capital, lower human capital endowments, and limited access of minorities to broader consumer markets[35].

Government Contracting of Minority Business Enterprises

Procurement provides governments with a powerful way of promoting opportunities for MBEs and counteracting the effects of discrimination. Although set-aside programs exist at all levels of government including federal, state, city, county and special district[36], the established contracting goals often go unmet. A widely cited 1996 disparity study[37] by the Urban Institute reported that at the state and local government levels, minority-owned firms received only $0.57 for every dollar they would be expected to receive based on their availability[38]. The House Small Business Committee reports that since the beginning of the *Scorecard* report in 1999, failure of the federal government to meet its 5 percent small disadvantaged business goal has cost minority entrepreneurs $21.2 billion in contracting opportunities (Figure 12).

FIGURE 12



Source: House Small Business Committee, Scorecard VII

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[35] See Maria *Enchautegui*, et. al. "Do Minority-Owned Businesses Get a Fair Share of Government Contracts?" Urban Institute. 1996.

[36] Special district includes airports, water, sanitation, parks and schools.

[37] Disparity is measured by comparing the percentage of all government contract dollars received by minority-owned (women-owned) businesses to the percentage of all businesses "ready, willing and able" to carry out government contracts that are minority-owned (women-owned).

[38] See Maria *Enchautegui*, et. al. "Do Minority-Owned Businesses Get a Fair Share of Government Contracts?" Urban Institute. 1996.

The three main barriers to minority participation in government contracting are contract bundling, subcontracting and coding errors. Bundling contracts is the act of combining 2 or more contracts into a large single agreement. This has most often pushed smaller minority-owned firms out of the competition while subcontracting has most often benefited prime contractors over (typically minority) subcontractors. Procurement data can also be distorted by coding errors in that companies coded as "small" are sometimes misidentified as such or in fact no longer qualify as small as a result of having been acquired by larger businesses during the course of the contract.

Small Business Financing

Loan markets have become more competitive over the past decade due to an expanding nationwide market for credit lines & credit cards along with the entry of large regional banks in local markets. Although banks are the most often used credit source for small firms in general, minority firm owners are less likely to have bank loans of any kind[39]. Research has also found that African American and Latino firm owners face significantly greater loan denial probabilities than white male firm owners and are often charged higher interest rates[40].

In recent years, microfinancing has grown in popularity as source of capital for microenterprises (a business with five or fewer employees), which account for 94 percent of all firms and are overwhelmingly owned by minorities and women. Patterned after the successful Grameen Bank in Bangladesh, microfinancing promises great benefits. The Aspen Institute has estimated that it can be implemented at one-tenth of the cost of creating opportunities through tax breaks and other public subsidies. However, there are some challenges to microfinancing, including the fact that competition limits interest rates U.S. microlenders can charge, making it less profitable than in developing nations, and U.S. businesses typically have greater capital requirements and need larger-sized loans faster.

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[39] See Karlyn mitchell and Douglas Pearce. "Availability of Financing to Small Firms Using the Survey of Small Business Finances." For SBA Office of Advocacy. May 2005.

[40] Ibid.

CONCLUSION

The Opportunity to Thrive. The Opportunity to Earn. The Opportunity to Own. The Opportunity to Prosper. Each of these opportunities for upward economic and social mobility are available in few other countries outside the United States. Therefore, maintaining equal access to these opportunities is a vital part of preserving the very principles that make this country unique and will prove to be an effective way to eliminate gaps in income, wealth and educational attainment within this country that are too often defined along the lines of race or socioeconomic status.

Although this document serves as a vehicle through which to develop a serious plan of action to address the persistent inequalities faced by those in urban communities; all Americans, regardless of place of residence or racial identity, can benefit from the policy recommendations presented in *The Opportunity Compact*. Furthermore, there is a role for all parties to play — private citizens, national, state and local governments, community-based service providers and the business community — as we together seek to strengthen our nation by maximizing the potential of all our citizens. By generating new ideas, initiating productive partnerships and fostering collaboration, *The Opportunity Compact* seeks to expand access to the incentives and rewards that act as the driving force behind what makes this country great – personal responsibility, initiative and hard work.

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Chairman MILLER. Thank you.
Mr. Losen?

STATEMENT OF DANIEL J. LOSEN, SENIOR EDUCATION LAW AND POLICY ASSOCIATE, CIVIL RIGHTS PROJECT OF UCLA

Mr. LOSEN. I would like to thank you, Mr. Chairman and the distinguished members of this committee, for this opportunity to testify. My name is Dan Losen, and I offer this testimony on behalf of the Civil Rights Project at UCLA, where I am the senior education law and policy associate.

Our extensive national research and publications on Title I and dropouts during the last 8 years inform these comments.

We praise the bipartisan discussion draft revising No Child Left Behind. It represents a substantial improvement, while preserving No Child Left Behind's most important values.

Among the major improvements are the provisions fostering comprehensive reforms based on research and emphasizing progress and those provisions that reward success for the attainment of education's broader goals, including graduating from high school.

My testimony highlights several of our recommendations submitted for the record.

First, mandate multiple measures, including 4-year graduation rates, for subgroups of students to be credited as integral parts of a reformulated adequate yearly progress accountability system.

Second, put an even greater emphasis on realistic progress measures based on levels of growth and outcomes that successful schools have actually achieved.

Third, create valid measures for English language learners' progress, mandate their use, and provide for the preparation of teachers qualified to educate the 10 percent of students who are English language learners.

Fourth, eliminate supplemental education services as a mandatory remedy and use those funds instead to improve State and local capacity to implement major school and district reforms.

Fifth, regularly provide transfer opportunities to clearly superior schools across district lines.

And, sixth, there should be a national report that looks at nonschool factors and their impact of achievement on students served by Title I.

I would like to elaborate on four of these.

Multiple measures: The discussion draft significantly improves No Child Left Behind where it encourages the use of multiple measures for accountability. Over 20 civil rights groups and many educational leaders have called for this change, providing that adequate yearly progress credit also be given for significant growth on these multiple indicators in a compensatory rather than add-on fashion.

Although the draft recognizes the importance of progress measures, it still requires that all students be proficient by 2014. This deadline requires that the schools and districts furthest from the goal make the most extraordinary gains, far more than the most successful districts attain. The solution is to set reasonable growth goals and hold schools and districts accountable for improving at a rate that research says is achievable. Otherwise, thousands of schools, including many making moderate gains, will be labeled failures. This also encourages the flight of highly qualified teachers away from where they are needed most.

High school graduation rates: There is a graduation rate crisis that poses a clear and present danger to our social and economic future. In some districts, fewer than 50 percent of students of color are earning a diploma. The draft's emphasis on high school graduation, including a disaggregation for accountability, could very well provide a remedy and makes the whole accountability system far more rigorous.

However, our written testimony provides details on how using a single on-time graduation rate rather than the two rates proposed by the draft would close unintended accountability loopholes if combined with incentives to work with students who need extra time to earn their diploma.

Now, I should add that, in doing so, in switching back to a single rate, we shouldn't allow students to change cohorts. It has to be transparent. That is critical for the accountability on graduation rates.

Transfers: We support the draft's policy giving the most disadvantaged students in low-performing districts the first opportunity to transfer to highly functioning districts. However, the transfer provisions should ensure that schools accepting transfers are substantially better and that parent information systems be improved. Incentives for voluntary interdistrict transfers to strong schools should be added.

English language learners: Subgroup accountability, including English language learners, is critically important but complicated, because we have severely inadequate tests. This draft makes positive changes but should be strengthened in two ways.

First, it should mandate research and test construction at the national and regional levels to create valid measures for major language groups. Sanctions should not be imposed on the basis of existing invalid tests. Only valid tests should be required for accountability purposes.

Second, the proposal should do more to train highly qualified teachers to work with English language learners. Toward this end, Departments of Education, the State and Federal level should be required to develop and implement teacher training standards to ensure that teachers serving high numbers of English level learners are highly qualified and understand how to help students facing great challenges of learning another language while struggling to keep up academically.

We believe that the proposed revisions to No Child Left Behind should foster great equity in educational opportunity for American children. With further improvements to the excellent beginnings of this draft, we believe that educators and civil rights advocates, community members across the country, will find that their concerns have been heard, along with new inspiration to help achieve its goals.

I would like to thank you once again for this opportunity.

[The statement of Mr. Losen follows:]

Prepared Statement of Daniel J. Losen, Senior Education Law and Policy Associate, on Behalf of the Civil Rights Project of UCLA

Mr. Chairman and distinguished Members of the Committee, on behalf of The Civil Rights Project at UCLA, I would like to express our gratitude for this opportunity to comment on the Miller-McKeon "Discussion Draft" of the Reauthorization

of the Elementary and Secondary Education Act. The current version of the Act is referred to as "The No Child Left Behind Act" (NCLB) in this testimony. The Civil Rights Project's central focus has been educational opportunity and our research indicates that Title I of the Act can significantly improve outcomes for disadvantaged children throughout our nation, but that this potential has never been fully realized. Our most recent research shows that the No Child Left Behind Act falls short of its laudable goals in important ways. Therefore, we thank you for your tireless and bipartisan efforts to strengthen this law in this promising draft.

The core mission of the civil rights project is to bridge the worlds of ideas and action in service to the civil rights movement in America. We commission research and work with scholars across the country on education reform toward the pursuit of racial and ethnic equity. Specifically, we have conducted 19 studies during the initial congressional consideration of the law and ongoing studies of the NCLB implementation process in six states and 11 school districts. In addition our work on the book, Dropouts in America and on regional reports and conferences around the country on this issue has put us in the center of the movement to lower the scandalous loss of students in our high schools. We believe that the breadth and depth of our research, always centered squarely on issues of racial justice, makes us well positioned to comment on the draft. Our research informs our testimony.

We believe the draft proposal contains changes that can be expected to improve the equality of opportunity for all children and especially disadvantaged children of color. However, we have also found several serious shortcomings and inconsistencies in the draft bill and we have attempted to provide specific suggestions for improving the draft, some of which are broad, while others suggest specific changes to the legislative language.

Multiple Measures

Among the most important improvements in this proposal is its call for multiple measures to be used to evaluate schools and for allowing educators to receive accountability credit for significant growth on several indicators besides assessments in reading and math. To the extent that the theory of test driven accountability shapes school teaching, the health of the country depends on having standards in more than two or three subjects and the health of the democracy requires, for example, that students know something about our history and government. This principled shift toward a multiple measure system was expressed in a letter that was signed by over 20 prominent civil rights organizations, and sent to the members of this committee a few weeks prior to the release of this draft. It is not good for civil rights if students in high poverty black and Latino schools have their education reduced to rote drilling in limited subjects when this comes at the expense of every other aspect of the curriculum not tested. As a remedy, we support broader accountability and ending the incentive for schools to push out or transfer out students with lower test scores. This draft represents a major stride toward such accountability.

On the other hand, the most serious flaw in this draft concerns the retention of an arbitrary accountability time line, that all students be proficient by 2014, along with a set of calibrated benchmarks. This uniform deadline assumes that the schools and districts furthest from the goal can make the most extraordinary gains. But the assumption directly contradicts what research tells us about the rates of improvement we can expect from the most successful districts. The goal of 100 percent proficiency in six more years will not be attained because all schools and districts would have to do something that has never been done in any district unless the standards were extremely low. The solution is straightforward—set reasonable growth goals and hold schools and districts accountable for improving at a rate that research says is attainable. Specifically, the 100% proficiency requirement by 2014 undermines the credibility of the law, punishes rather than rewards many successful schools, and should be replaced by realistic growth targets based on the progress achieved in the quartile of districts making the most rapid progress in the state. This is consistent with the shift of attention to progress measures in the draft bill. Shifting the focus from the unattainable ideal to ambitious yet realistic goals would also help create conditions more likely to encourage highly qualified teachers and principals to stay in the schools that most seriously need them.

The draft proposal also adds strength reporting where it expands on the requirement that states include in their accountability system's determination of adequate yearly progress high school graduation rates and at least one other achievement indicator for elementary schools. The major changes here are that the draft would require disaggregation for subgroups for graduation rate accountability and enable states greater power to create more balanced and comprehensive accountability systems, subject to the approval of the Secretary. CRP applauds the draft's addition of these critically important accountability changes. However, we urge the com-

mittee to add as a possible, if not required, indicator that schools and districts measure progress on grade promotion rates. We believe states should be required to report these rates disaggregated by subgroups and encouraged to address the problem of the massive retention of students, particularly in the high school transition years, most profoundly in grade 9. Adding this measure to reporting and accountability is important because research on retention in grade has shown that it is extremely expensive, has few academic benefits, and increases dropout probabilities.

Graduation Rate Measurement and Accountability

Our research shows that the widespread failure to earn a high school diploma has had a devastating impact, especially in nonwhite communities where employability and income are drastically reduced with predictable effects on family instability and crime. In some districts more than half of our African American, Latino and American Indian students fail to earn high school diplomas. Failure of this magnitude represents a clear and present threat to our social and economic future. Research shows that massive flunking in ninth grade, before tenth grade testing, is a chronic problem especially among minority youth, and is linked to higher dropout rates. Without graduation rate accountability, schools evaluated based on test scores can look successful if more of their relatively low achieving students are retained in grade 9, and then dropout. The new, more comprehensive accountability system this discussion draft introduces would reveal this artifice when it masks fundamental failure. Toward this end, the addition of graduation accountability for subgroups of children for graduating with a real diploma is critically important. Moreover, the discussion draft's emphasis on graduation can be expected to make the whole accountability system more rigorous and effective for all.

However, we are especially concerned that despite the tremendous improvement in the draft proposal, and to the extension of Title I resources and focus on high school reform, there are also some serious flaws. We have questions about the discussion draft's accountability program and possible unintended incentives for putting students on slow-tracks toward graduation. Just as research suggests the definition of proficiency was "watered down" in some states in response to greater test based accountability, we worry that the standard graduation rate, that is supposed to evaluate the typical four year high school by calculating the percentage of students of a entering high school cohort that graduate "on time" (in four years) with real diplomas, will similarly be watered down if safeguards are not added.

Specifically, we are concerned that the discussion draft's system for accountability and reporting of graduation rates, where it introduces the "extra year" simultaneously introduces accountability loopholes and unnecessarily complicates the evaluation of high schools. Based on our work with public education and civil rights advocates, we believe that transparency will make reporting and accountability systems far more effective at generating public pressure on the right problems. While it may be possible to close the loopholes and retain the system as drafted, we recommend replacing the "extra year" provisions for reporting and accountability with a simpler and more manageable system. We need a clear and relatively simple metric that shows whether schools are moving forward or backward on the goal of graduating their students on time. They should also be credited separately for work they do to graduate students later without introducing uncertainty into the basic measure.

The required calculations and reporting requirements of two groups, an "adjusted cohort" graduation rate and an "extra year" adjusted cohort rate both complicates and waters down the "on time" four year rate. The clarification of the "graduation rate" is a considerable improvement over the current law to the extent that it provides a uniform definition, is based on the performance of a cohort of students, and helps eliminate many of the loopholes in reporting and accountability that CRP's research has revealed as contributors to artificially inflated graduation rates which have often greatly overstated true completion levels. Despite these substantial and critically important improvements, the "adjusted cohort" definition as drafted in Section 1124 beginning on page 318 at line 17 is flawed because there is no reference to the "standard number of years" or a "4 year" rate for high schools that begin in grade 9, as provided in the original NCLB. By leaving the "exit year" undefined and unbounded this way, schools are not evaluated according to a standard expected time for completion. This might allow a watering down of the standard graduation rate for reporting called for in the National Governors Association compact on this subject. Further, if graduation rates could be based on different exit years this variability would make comparing rates from school to school or district to district much more difficult.

The construction of the EXTRA YEAR graduation cohort in Section 1124 opens up tremendous accountability loopholes: Few students transfer after they complete Grade 12 (Grade 13?) as an "Extra Year" transfer if they move to a new district. On the other hand, many students who do not pass grade 12 in their first attempt try again over the summer or in this EXTRA year (Grade 13). The draft proposal's language on transfer confirmation is strong where it requires formal documentation of the transfer from the receiving school or diploma awarding educational program. In contrast, the departure confirmation is very weak as it requires formal documentation from the school that the student has departed from but no formal confirmation from a parent or guardian or other close relative. Therefore, the net impact is that while very few students will transfer in, if students move out of district after flunking grade twelve their departure can artificially improve the performance of a regular high school.

There are complex issues here that make strengthening the departure confirmation requirement problematic especially in highly mobile communities. Fundamentally, if the parents failed to provide formal notice, schools cannot easily get reliable confirmation from another source. The extra year, therefore, adds an extra year of very difficult to confirm departures from the cohort. What makes matters worse, is that all of these "extra year" departures are, by definition, students who were counted as "non-graduates" for the standard "on time" or four year cohort. In other words, all of the difficult to confirm departures in the "extra year" would have previously counted against the school and district for "on time" rate accountability giving struggling schools a tremendous incentive to record dropouts as "extra year" departures.

The Civil Rights Project suggests eliminating the "extra year" adjusted cohort entirely. Federal law should maintain the primacy of the "on time" four year rate and only require states to track and report the adjusted cohort graduation rate cohort as it pertains to an "on time" graduation rate. In this way, when there is public discussion of the graduation rate, all will know this is the standard four year rate. The technical solution is to both eliminate the "extra year" rate and add language to the construction of the "adjusted graduation rate cohort" indicating that it is a "four year" or "on time" rate, or "based on the standard number of years."

Graduation Rates Counting for AYP

The new discussion draft adds language that sets a graduation rate goal of 90% and would reward schools and districts that fall short of this goal, but that meet the graduation growth rate with a bonus of up to 15 percentage points that could be used as an offset against calculating AYP based on assessments. This is a major improvement as it represents a reasonable compensatory system. We also believe the discussion draft adds important vitality to graduation rate accountability where it delineates the reasonable growth rate, requiring an average of 2.5 percentage points for what we interpret to be a standard "on time" or 4 year adjusted cohort. To build on these strengths, we encourage the drafters to attend to three major weaknesses of the extra year and alternative schools provisions pertaining to graduation rate accountability.

1. There is no research that would support applying a uniform growth rate of 2.5% and a goal of 90% graduation to all alternative schools. The category of alternative schools includes those that serve as "dumping grounds" for students regular high schools will not deal with as well as schools that are led by amazing staffs who give new chance to young people who face what seem like hopeless odds. Obviously accountability should target the dumping grounds and reward the heroic efforts. While this accountability might be appropriate for some schools we believe it is misplaced as it would apply to many others. The issue arises because the discussion draft fails to acknowledge the wide diversity of such schools, and the fact these schools usually serve the very highest risk student populations. An alternative school of this sort that reaches out to dropouts, students who have been in prison, and teen parents, with a graduation rate of 65% earning real diplomas, is a success. A regular high school with that rate should be regarded as failing. Rather than apply the same graduation rate goals to schools serving the most at risk populations as regular schools, NCLB should provide schools and districts with incentives to help these youth earn real diplomas in extended years. This is the kind of issue where the standard may best be set by state officials working with experts, subject to federal approval.

2. If extra year rates are the equivalent of "on time" rates for accountability there is an incentive to put disadvantage minority youth on the "slow track" so that the school can improve the chances of making AYP. The EXTRA year rate should never be allowed to wholly substitute the "on time" rate for a school designed around a four year system. As the discussion draft is written, a school could make AYP and

earn a 15% compensatory bonus even if the 4 year rate declined. The Civil Rights Project is concerned that low achieving students, and especially students of color who have a history of being segregated into low tracks in secondary school, could be put on the slow track to make it easier for the school and district to meet the disaggregated graduation rate goals. Further, at least one study indicates that a diploma earned in 5 years is far less valuable than one earned "on time."

3. A third major problem is that The EXTRA YEAR accountability provision gives schools and districts many more ways to game the system including an incentive to increase grade 9 retentions. Schools are currently encouraged to improve scores artificially, in part because test scores are carefully counted and graduation rates are not. We are concerned that without safeguards, the "extra year" would introduce a new incentive to retain more low achieving students at grade 9 where schools could add a year of test prep for the grade 10 test, knowing they also have an extra year to finish school. District data indicate that the highest numbers of students dropout of high school before grade 10. The unintended consequences of adding an extra year is that it also adds an incentive for retaining students in grade 9, where the extra year could be used for test preparation.

CRP recommends replacing the 5 year and alternative school accountability with an extended years graduation rate safe harbor provision. We believe that there are better and simpler ways to provide schools and districts with greater incentives to help students needing more time to eventually earn their high school diploma. There should be a basic "on time" rate plus a second chance provision (safe harbor) that gives credit for all extended years diplomas, not just one extra year.

The suggested safe harbor would give districts equal credit for all the students that earned a diploma in a given year, including all those that needed more time, without a limit. This would make the whole section easier to read, and would mean that alternative schools would not be required to achieve the same high goal or rate of growth as regular high schools. The provision we recommend would provide an incentive to reach out and serve students who needed more time as it would allow for AYP to be made by a school or district that had an extended years program if the additional diplomas of the program participants, when added to the standard "on time" calculation, enabled the 2.5% growth requirement to be met. All alternative schools not linked to a specific high school would have their diplomas count toward the district's safe harbor. To retain the primacy of the "on time" goal and ensure that the greater incentive was to have students graduate "on time" the availability of the 15% compensatory bonus could be either reduced, or eliminated if this safe harbor was needed to make AYP. CRP suggests that additional safeguards should further limit the use of the safe harbor to when four year graduates constitute at least 75% of the diplomas awarded. This safeguard would prevent a struggling school abusing the second chance provision and putting all low achievers on a slow track to graduation. On the other hand, where proven-effective specialized or alternative high schools and programs were purposefully designed to award diplomas after five years, the law should make waivers available, subject to the review of the Secretary.

The basic Graduation Rate Safe Harbor provision could be worded as follows:

Graduation Rate Safe Harbor

Schools and districts that fail to meet the 2.5% growth requirement may still make AYP for graduation rates if all the following conditions are met:

a. The school or district's "safe harbor graduation rate" in paragraph (b) for the group or groups in question was at least 2.5 percentage points higher than the 4 year rate for the prior year and at least 75 percent of the diploma recipients, overall or for any subgroup are four-year "on time" graduates.

b. The "safe harbor" graduation rate is determined by adding the number of diploma recipients that were awarded in the current year to students that are not part of the current year's adjusted cohort to the numerator and denominator of the adjusted cohort graduation rate calculation. If the "safe harbor" rate is 2.5% points or more higher than the "on time" graduation rate for the prior year the school or district makes AYP.

c. Safe Harbor Restrictions: A state may award a maximum of 5 bonus points to a school or district for achieving the AYP graduation rate goal under the safe harbor provision.

Longitudinal Data Policies and Oversight

Even in states with advanced longitudinal data systems may need a combination of support and oversight. Our recent review of the Texas system, a system regarded by many as the "gold standard" revealed how the state adopted policies that seriously reduced the usefulness of the data, such as failing to track GED enrollees or

treating all duplicate records and students with unknown status as errors and erasing them from the system. Therefore, law should require additional quality control measures and funding of these systems to ensure they are adequate and have policies in place that will accurately track students who otherwise might disappear from school records. If these systems are not able to document the destination of substantial numbers of students, especially students of color, who simply disappear from the system, it will not provide a reliable source for policy making and evaluation of educational progress.

Discipline Data

CRP commends the committee's draft for requiring local educational agency report cards to include rates of suspension and expulsion disaggregated by subgroup in Section 1111 (2)(B)(ii)(III). However the state report card provisions should contain a parallel provision, including the disaggregation of this data in state reports.

Transfer Options Triggered by Accountability

In several places the draft acknowledges that rigorous standards and raised expectations must be paired with serious support provided to those schools and districts needing to make hard changes. One of these is providing a transfer option to students in schools and districts needing improvement, having failed to make AYP for two consecutive years. In particular we applaud that the draft would authorize states to enable the most disadvantaged students in low performing districts the first opportunity to transfer to highly functioning districts.

As it stands, problems often arise under the transfer provision where a school not meeting standards is required to permit its students to transfer to a school meeting standards in the same district. That is not adequate because, for technical reasons, the transfer options are limited in most districts and often do not include many options to attend less impoverished schools with genuinely higher levels of academic success. In fact, because a school can fail AYP because of the performance of a single subgroup, or because 95% of the students were not tested, students are often faced with the option of transferring to a school with an overall lower average achievement level than the school they are leaving. Funding a transfer from a weak school to a weaker one is an inexcusable waste of money.

Further, while the draft correctly would not allow transfers to schools filled beyond their capacity, the lack of viable transfer options is all too often the reality in large urban districts with few highly performing schools and many struggling ones. The draft should add the option to transfer to a school located in a different district should the immediate district not have enough highly performing schools to accommodate all the transfer candidates. Toward the goal of providing truly beneficial transfer opportunities, we urge the committee to add financial incentives for receiving schools and districts to encourage the use of the inter-district transfer provisions and for transfers to the very highest performing schools generally.

Extensive research on voluntary transfers and school choice in many contexts and even in other countries consistently shows that disadvantaged parents have little information about the choices and are much less likely to transfer to the best options than families with more resources and connections. For this reason good magnet school plans tended to provide extensive parental information about school quality and opportunity and active personal outreach and welcome to disadvantaged parents through parent information centers and other mechanisms. We believe that such efforts are needed.

Without such mechanisms we believe that the transfer resources are likely to produce little or no real gain in too many cases.

Supplemental Services

Supplemental services such as tutoring by highly qualified educators can be invaluable. However, there is no evidence that the existing SES program is a wise investment and many reasons, from research on serious school reform, to think that it is not. Specifically, there is very little research documenting the effectiveness of Supplemental Educational Services. Until there is better evidence of the effectiveness of these programs, they should not be required and there should not be a mandated set-aside. The worst result would be to create a new lobby of corporate providers able to secure funding without accountability. Tutoring is a valuable educational process but most likely to be effective when done on a one-to-one basis by a professional teacher and linked to the school's curriculum.

If the set-aside is to be continued, we suggest adding a federally mandated evaluation of the entire program, possibly in place of the requirement for local evaluations in the draft since few districts have the capacity to do professionally credible evaluations of this sort and studies by providers represent fundamental conflicts of interest. We further recommend that SES instructors be subject to the Highly

Qualified Teacher provisions of NCLB since we agree with the law's fundamental emphasis on teacher quality.

Budget Set-Aside

Since only one in fifty eligible students has chosen the transfer option, we recommend that that set aside be limited to 5% for possible highly positive transfers (described above) and that 5% of the current set aside be transferred to state school improvement efforts and the remainder into implementation of the school's improvement plan, which could, of course, include targeted tutoring linked closely to the school's educational mission

If SES is to continue, it is essential to have a serious independent national evaluation documenting what is being done with the money and identifying its longitudinal effects. Further, federal antidiscrimination laws should be made clearly applicable to SES providers by formally identifying them as recipients of federal funding. The current language in the draft on this subject is found in the current law, but there are serious questions as to whether it is sufficient to prevent SES providers from discriminating.

State Capacity

The Civil Rights Project's research in this area has revealed a major problem with the expanding state role in the current law, that is not addressed in the committee's draft—that is that the states receive more adequate funding for the extremely complex tasks they are given under this law. We recommend that the state share of the Title I allocation be doubled to 10 percent. Our research in six states shows that the state agencies are overwhelmed and have few resources to oversee the required reforms of very large numbers of schools falling behind NCLB goals. Anyone who has examined the disaster of Katrina or knows the excellence of the National Park Service should recognize how decisive good and expert administration is essential in managing complex and difficult changes. It is obvious to us from our research on state capacity that state officials working with the best of attentions simply do not have the resources to do what the law demands of them. Requiring fundamental changes without creating administrative capacity is an exercise in rhetoric.

Charter Schools

Charter schools are public schools with special governance arrangements expected to provide services regular public schools cannot or have not provided, increasing the opportunity for students. In light of the fact that these schools disproportionately serve minority students and are offered as options for transfer for those families under the law, and public schools may be involuntarily transformed into charter schools, it is very important that they be evaluated and the information be made available to citizens and families with transfer rights. NCLB should more explicitly require that all publicly funded schools in each state be evaluated under the same terms and subjected to the same level of accountability.

The Testing and Accountability For English Language Learners

The testing and accountability for English language learners have been central points of contention in the operation of NCLB because of the conflict between the very good ideas of subgroup accountability and inclusion of English language learners in the groups of students the schools are responsible to help and the bad problems of severely inadequate tests and unreasonable expectations. We believe that this draft bill makes some important positive changes but that its benefits could be strengthened. We call attention to two major issues:

The bill definitely moves in a positive direction in requiring the use of the tests most likely to adequately measure students' knowledge of the subject, independent of the language dimension. The requirements to develop appropriate tests and other measures as well as appropriate assessments of English language development are substantial improvements. Although the existing NCLB has greatly accelerated work on these issues it is important to note that there is still much that needs to be learned about the psychometric construct of English proficiency, its relationship to academic language, and what expected growth targets may be for different groups of students, at different ages. Even California, which has by far the largest ELL population and has invested in this work, is far from firm conclusions and many other states have not demonstrated the technical or policy will yet to pursue these issues. Much of the work has been on Spanish-speaking students and addressing many small language populations has yet to begin. Therefore the law should strongly encourage research and test construction at the national level and among regional consortia of states, initially for the largest language groups, particularly those facing linguistic isolation in communities and schools. States should be required to develop or collaborate in developing such tests for large language groups, either on their

own or in cooperation with federal projects or multi-state consortia should be encouraged. States should be required to use these measures as soon as they are available since they will offer much more accurate measures of students' knowledge and progress than existing tests.

In the very important sections on teacher quality the lack of any real preparation for teachers to deal with the tenth of students who are ELL is not mentioned as part of the quality definition. In a situation where a tenth of our students are ELLs and almost half of teachers have ELL students in their classes, highly qualified teachers need training to help reach these students. We believe that the Department of Education and state Departments should be required to prepare analyses of key competencies such teachers need and to submit plans to provide the necessary preparation for teachers who wish to be considered highly qualified in areas and schools with substantial presence of such students.

Prioritization and Sanctions

The draft proposal includes provisions to allow Priority Schools and High Priority Schools to select from a menu of options. Priority Schools must select 2 or more and High Priority Schools must select three specified, plus one additional option. We do not think Congress should require multiple simultaneous reforms from deeply troubled schools with limited capacity. This tends to produce confusion. CRP recommends that schools identified for improvement, including those identified as priority schools and high priority schools, be allowed to choose developing a schoolwide program as an additional important option. This suggestion reflects the judgment of Congress in enacting the Obey-Porter legislation and the many references in the draft law to research based strategies. We recommend focusing on evidence-based school improvement strategies and giving them time to work.

School Redesign

This is a central provision. We recommend that the ultimate sanction of converting a school to a charter school be rewritten to include schools that have charter-like independence within a public system, including magnet schools and pilot schools, since both have evidence of positive benefits, including the new evaluation of Boston's pilot schools. Magnets and pilots share the charter situation of autonomy from normal system requirements, leaders and teachers and parents who chose to participate, and educational experimentation and competition. There is no evidence that the fact that they are under ultimate legal control of a school district makes them less effective than charters.

Feasible Levels of Simultaneous School Transformation

We strongly support the authorization to school district to limit the number of schools designated for High Priority Redesign but believe the fraction of schools subject to simultaneous drastic redesign is still too high given the intensity of the effort needed to create new schools or fundamentally restructure existing ones. Based on work we and others have done on administrative capacity we recommend that this be limited to 2-4% of schools in a given year.

Setting the Agenda for Collaboration on Educational Breakthroughs

We strongly recommend that Congress direct the National Academy of Sciences and National Academy of Education to prepare a report to Congress by 2009 on the non-school conditions, such as health care, residential instability, poverty, safety and others that create serious obstacles for schools striving to achieve the goals of NCLB and to suggest central issues for other governmental and private agencies to address which would have demonstrable impacts on school success. As this draft bill acknowledges in several areas, lasting success in school requires support from other agencies and governmental programs This report would include reviews of present and previous experiments and policies in the U.S. and other nations demonstrating effective reforms, helping Congress and the executive branch create a federal agenda that would greatly aid both the schools and children living in poverty and would be of great interest in many states and communities and private organizations.

Indian Education

The CRP appreciates the extensive discussion of Indian issues in the draft bill and urges clarification of the rights of tribally controlled schools to determine their own assessment policies and urges consultation with the Indian Education Association in the development of policies implementing the new law. We recommend that the procedures for developing more appropriate assessment of special education students include a specific directive to consider the special conditions of Indian populations.

Conclusion

I want to thank the Chairman and the Committee once again for their leadership on this important legislation. We believe that the proposed revisions to NCLB should foster greater equity in educational opportunity for American children, and substantially improve learning and graduation levels. With further improvements to the excellent beginnings in this draft, we believe that educators and communities across the country will find that their concerns have been heard along with new inspiration to help achieve its challenging goals.

Chairman MILLER. Thank you.

Ms. Piche?

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

Ms. PICHE. Good afternoon, Mr. Chairman and members of the committee. On behalf of the Citizens' Commission on Civil Rights, we would like to thank you for this opportunity not only to testify today but for your strong bipartisan commitment to strengthening this law.

The Citizens' Commission believes that education is a fundamental right and that the No Child Left Behind Act represents our nation's most serious commitment at this time to closing achievement gaps that inflict pain and injury on too many of our vulnerable children and their families.

Over the course of the last decade, we have seen real improvements and progress at schools around the country as a result of No Child Left Behind and its predecessor, the Improving America's Schools Act.

But the work of leveling the playing field is hard, it is tedious, and it is politically challenging. So it is not surprising to us that there has been significant opposition to No Child Left Behind from entrenched interests. And many States and districts have gamed the system with statistical and other tricks and, in some cases, outright defiance. The result: Millions of children, particularly African Americans and Latinos, are left out of the equation. The reality is that their failure or success does not matter.

In the context of this dichotomy between success on the one hand and widespread resistance and gaming of the system on the other, we have analyzed this draft that is before you today. There are many, many improvements in the draft, and many of my colleagues have identified and highlighted these improvements. We also list them in our testimony. So, again, if I don't go into them here, as Ms. Jones said, we do have them extensively in our written testimony.

But they include—and let me highlight these—new safeguards against gaming AYP, including a limit on the "n size." We don't think you have gone far enough, but we commend you in taking steps in this direction.

There is much-needed attention in the draft to improving State data and assessment systems. The reality is that States have not been able to develop the tests that have been required either under IASA or under this law. And if you recall, under IASA, States had 6 years to develop six tests that were aligned to standards that were valid and reliable, that included all students and that accurately measured the achievement of students with disabilities and

English language learners, and they did not do so. NCLB added a whole other layer of additional tests.

And if you look at the Department of Education's compliance records, many States are willfully out of compliance with these requirements today. So we applaud the committee for focusing on the need to correct and improve the statewide assessments that are used for accountability.

We also applaud the efforts of this committee to provide equity in the distribution of teachers to all children. We know that we can never truly close achievement gaps without first assuring that poor, minority students have access to the best possible teachers. And we support the committee's many provisions that would go in this direction.

But there are other provisions of the draft, Mr. Chairman and members of the committee, that would do significant harm to accountability and parents' rights.

These include, first and foremost, the local assessment pilot. We believe this pilot has the potential to set back accountability and the movement for educational equity for years and perhaps decades. These assessments would be developed and scored by teachers and others at the local school district and then used to decide whether the same adults have done an adequate job teaching kids. This strikes me as not unlike permitting my own teenage son and his friends to score their own driver's license test.

We corrected a situation like this before No Child Left Behind and IASA, where districts around the country could set their own low standards and develop their own measures. We brought together an aligned statewide system of measurement so that parents and the public would know precisely how their students and schools stacked up. This pilot could easily take us back to the days before this change. We could have one set of standards for well-off suburban areas and one for impoverished communities; one for the Bronx and one for Westchester County; one for Baltimore City, one for Bethesda. We would urge you, at this time, to delete this section.

With respect to multiple indicators, we are also concerned that the draft, again, dilutes the expectation that all students will reach proficiency in reading and math, and endorse the comments of many others who testified today in that regard.

And, finally, Mr. Chairman and members of the committee, we are very concerned that this draft does not include strong provisions enabling parents to enforce the law and to obtain relief when their children are trapped in substandard schools. In fact, the draft appears to take back rights previously given to parents to transfer their children to a better school or to obtain free tutoring. So we would encourage you to restore these rights and to strengthen them. And, particularly, we endorse recommendations by many civil rights organizations to provide for a right to transfer outside the school district where the district won't or can't accommodate parents' requests for something better.

In closing, if history is any guide, Mr. Chairman, we believe it will take time and unwavering resolve on the part of Congress and the executive branch to fully realize the promise of No Child Left

Behind. We look forward to working with the committee, and we urge you to be strong and to stay the course.

Thank you very much.

[The statement of Ms. Piche follows:]

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

Good afternoon Chairman Miller, Mr. McKeon, Mr. Kildee, Mr. Castle, and members of the Committee. Thank you for the opportunity to testify today on behalf of the Citizens' Commission on Civil Rights and our chairman, William L. Taylor. The Citizens' Commission is a bipartisan organization established in 1982 to monitor the civil rights policies and practices of the federal government and to work to accelerate progress in civil rights. We believe education is a fundamental civil right.[1] We also believe that NCLB represents our nation's most serious commitment at this time to closing our nation's persistent academic achievement gaps—gaps that inflict enduring pain and injury on our most vulnerable children, their families and communities.

We commend Mr. Miller, Mr. McKeon and their staffs for crafting the thoughtful proposals we are all here today to discuss. There are many provisions in the draft that would extend and improve the ESEA reforms initiated under the Improving America's Schools Act of 1994 and Goals 2000. (See Appendix A.) The IASA made the central finding that all children could learn and all but the most cognitively impaired could learn at high levels. Both the IASA and Goals 2000 spurred states to begin setting high standards and expectations for all students and to construct statewide assessment and school improvement systems for equity and accountability. The No Child Left Behind Act in 2001 strengthened the IASA by adding concrete detail and additional safeguards to protect the children most in need—poor children, children of color, children with disabilities and those who are learning the English language. Both laws were the work of a bipartisan group of legislators who placed the national interest above considerations of partisan advantage.

Over the course of the past decade we have seen real academic progress at schools around the country. These are generally schools working under the leadership of a dynamic principal who has assembled a group of teachers and other staff who are committed to the same goals, who work together cooperatively, and who deliver results. Many young teachers have been energized by the process and more experienced teachers have found new motivation. But much more work remains to be done and the work will be very, very hard. And because the work of leveling the playing field in public education is so challenging—in classrooms, school districts, legislatures, and executive agencies—we have encountered significant opposition to NCLB.

Many of us in the civil rights community have observed that the resistance to NCLB and the difficulty in securing full and effective implementation is not unlike what we have witnessed with other critical civil rights measures. Dianne Piché recently wrote:

NCLB is in many respects the latest in a long line of efforts in the policy and legal arenas to promote equity and opportunity in the public schools, including desegregation cases, the Civil Rights Act of 1964, the original ESEA, and school finance and adequacy cases in the states.

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[1] Since 1997, the Citizens' Commission has played a "watchdog" role in monitoring implementation and enforcement of key equity provisions in Title I of the Elementary and Secondary Education Act (ESEA), including: standards, assessments, state accountability systems, teacher quality, and public school choice and supplemental services. In 2004, we investigated and reported on early implementation of NCLB's provisions providing a right to transfer Choosing Better Schools: A Report on Student Transfers Under the No Child Left Behind Act. In 2006, we released our first report on teacher quality and NCLB, Days of Reckoning: Are States and the Federal Government Up to the Challenge of Ensuring a Qualified Teacher for Every Studen? See also the following reports of the Citizens' Commission on Civil Rights' Title I Monitoring Project: R. Rothman, et al., Title I in California: Will the State Pass the Test? (2002); Closing the Deal: A Preliminary Report on State Compliance With Final Assessment & Accountability Requirements Under the Improving America's Schools Act of 1994 (2001), Dianne Piché, et al, Title I in Midstream: The Fight To Improve Schools For Poor Kids (Corrine Yu & William Taylor, Eds. 1999), Dianne Piché, et al., Title I in Alabama: The Struggle to Meet Basic Needs (Citizens' Commission on Civil Rights, 1999). All reports are available at *www.cccr.org*.

How long does it take a cutting-edge civil rights law to "work"? Could a credible argument have been made in 1969, five years after passage of the Civil Rights Act, that the ambitious law was "not working" and therefore ought to be abandoned?[2]

We urge you at this critical juncture not to turn back the clock on the IASA and NCLB, not to succumb to the pressure of special interest groups and their so-called "fixes" to NCLB. Sadly, in most cases these "improvements" promulgated by many of these interests are in fact measures that would make life easier for the adults—employees and public officials in our public education system—while inflicting hardship and injustice on children and their parents.

It is in this context that we offer the following comments regarding the current draft:

Closing the Teacher Quality Gap

First and foremost, we commend the Committee for proposing a number of new measures that will help close the teacher quality gap between schools with high concentrations of poor and minority students and others. It is folly to believe we can truly close student achievement gaps without first assuring that our most vulnerable students are assigned the most qualified and effective teachers. When their schools are systematically shortchanged by inequitable distribution of teachers and other resources—on both inter-district and intra-district bases—they are set up for failure. Contrary to what some commentators have asserted, the equitable assignment of teachers is a national issue, and it is a major civil rights priority in education today. Closing the so-called "comparability" loophole is a major step in the right direction. We urge the Committee to retain and strengthen this provision and to resist measures to weaken it. Moreover, as we reported in Days of Reckoning, the vast majority of states have virtually ignored provisions in current law requiring the equitable distribution of experienced and qualified teachers. We believe provisions in the draft will continue and strengthen these requirements.

Assessment and Accountability

Assessment Improvement. The core of reform is a sturdy system of accountability, which in turn depends on valid tools of assessment. There is much that needs improvement in assessment. When some of us first worked on the issue a dozen years ago, we hoped that new forms of assessment would be devised, and that these assessments would measure the analytic and creative abilities of students in addition to basic skills. By and large states have fallen short. Test publishers persuaded many states to take the easier and cheaper course and simply to add multiple choice questions with the assurance that they would be geared to state standards. That is why we are pleased that the draft includes provisions (and funds) to study and develop ways to improve assessments, both for accountability and for diagnostic and instructional purposes.

Additional Subjects. The Commission also has long supported (dating back to Goals 2000 and the IASA) the development of challenging state standards and aligned assessments in all the core subject areas, including, e.g., science and social studies. The draft seeks to encourage states to move in this direction and we believe this can be a positive thing for children in high-poverty schools who are often instructionally deprived across the range of subjects. However, we must emphasize that introduction of additional subjects into the accountability system must not be at the expense of basic reading and math. Despite arguments to the contrary, there is nothing wrong with a system that relies on mastery of grade level standards in English language arts and mathematics as the keystone to proficiency. These are the foundations of learning in many disciplines and many of the most successful schools find ways to integrate these other disciplines into reading and math and vice versa. Consequently, we would urge that these additional subjects be added as "conjunctive" rather that "compensatory" measures at this time.

Multiple Indicators. In an ideal world, states would have developed better assessment systems, including a better system of "multiple measures" as called for in Title I dating back to the IASA in 1994. But they have not. And we find it hard to believe their record will improve without both additional help and sanctions for noncompliance. For example, in the 1990s, the Citizens' Commission's Title I Monitoring Project found that most states came up short in meeting the requirements of the IASA—to develop six tests in six years that met basic requirements of reliability, validity, alignment with standards and full inclusion. (See Title I in Midstream, cited in footnote 1.) Under NCLB, far more assessments needed to be developed and

[2] Dianne Piché, Basically a Good Model. Fall 2007. Education Next. Accessed 8/26/2007 Available online: *http://www.hoover.org/publications/ednext/9223561.html*

field-tested. But as of today, many states are far from the mark, particularly with respect to the appropriate assessment of ELLs and students with disabilities.

In this context, the notion of introducing "multiple indicators " into state assessment systems at this time is very troubling. First, we believe it would be far better to invest in ensuring that the current state assessments really do the job we want them to do, and for all students. Second, there is little evidence that some proposed indicators have a demonstrated relationship to academic proficiency. While the draft suggests that such a relationship should be shown, these are just the kind of provisions that are widely ignored by states. The law should not permit untested and untried indicators to play any role in determining whether schools and districts have made adequate yearly progress (AYP). And we would urge Members to be particularly mindful of provisions that can be gamed to avoid responsibility. While high school graduation is an appropriate factor to consider, the law should be unambiguous in requiring that high school graduation means readiness for post secondary education, productive work and civic participation.

Transparency and Simplicity. There is one other critical problem with the section on multiple indicators that needs the Committee's attention. Much of the criticism of state accountability systems has rested on the notion that they are far too complicated to be readily accessible to parents or even to teachers who must make judgments based on the results. While we are sure this is unintentional, the cure proposed is worse than the disease. The proposals for multiple measures make the assessment system far more inaccessible than it is right now. It will be almost impossible for a parent or educator to figure out what contribution a score on an additional indicator will make to a determination of a student's proficiency—or for that matter whether a school is achieving basic proficiency in reading and math.[3]

The complexity problem also affects the new effort to provide gradations of the need for improvement. E.g., while it is commendable to try to segment these schools into those that need the most help ("high priority") and those that need less help ("priority") one answer may be allowing the school more flexibility in determining which school operations need the most help and how best to provide it (e.g., through, redesign, restructuring, etc) . We will seek to make recommendations to the Committee for simplification of these provisions.

Safeguards. Currently millions of students, and disproportionate numbers of African-American, Latino and other minority students, are left behind because they are not counted by states in their accountability systems. We applaud the committee for including safeguards like a cap on the "n" size and limits on confidence intervals. We do believe, however, that 30 is far too large and recommend a minimum "n" of 20, which has worked and worked well in a number of states.

Growth Models. Other provisions introduce needed flexibility into the system. Both of us served as peer reviewers for the Department of Education on pilot proposals for growth models. We came away with the conclusion that a system which can track a student's progress over three years and determine whether she is on a trajectory to meeting proficiency is a very promising way of assessing progress toward proficiency. The utility of growth models depends, however, on the development of reliable data systems and on a commitment by the state not to manipulate standards to inflate the proficiency rate. It should also be made clear (as it is not in the staff draft) that these "alternative systems" are not additive but must stand on their own. So just as the "safe harbor" provision cannot be added to a growth model to help a school meet its annual measurement requirement, neither should any "multiple indicators" approved be used in the same way.

Rigorous Standards. The draft nominally requires states to develop college and work-ready standards, but more attention needs to be paid to the timeline for this process and to measures to ensure states really see this challenge through to conclusion. In addition, because the danger of diluting standards to avoid findings of nonproficiency is not limited to growth models , but is endemic, we heartily approve of the draft provision (pp.113-114) calling for a study by the National Academy of Science of the comparative rigor of state standards and assessment. It makes sense to call for recommendation with respect to reducing disparities and developing a common standard. It also makes sense to provide for two year follow-ups and reports by the Secretary. This kind of study, along with keeping an eye on disparities between NAEP scores and state assessments, may help to insure some integrity in state systems even lacking national standards.

Local Assessments. Finally on the question of assessments we come to the single provision in the staff draft that is most destructive of all that the reform effort has

[3] Moreover, as the standards for educational and psychological testing published by the AERA, the APA and the NCME make clear, where multiple predictors are used, regression analysis or other techniques should be used for cross validation. (See Standards, p.21.)

sought to accomplish. Section 1125 provides for pilot programs in 15 states to permit "locally developed, classroom-embedded assessments." These assessments could be used in determining AYP. Since the 1960s, efforts in the courts and in Congress have sought to abolish racially dual school systems, segregation in classrooms, and different standards and expectations for the advantaged and disadvantaged. Yet with a single stroke, this provision for local assessments would wipe out everything the law seeks to accomplish. We could have one set of standards for rural areas and another for urban areas, one for the Bronx and another for Westchester County, one for Boston and another for Brookline. Nothing in this section seeks to ensure that proficiency in one school district will be the same as proficiency in another. Moreover, given what we know about "gaming the system," we believe such comparability is highly unlikely.

All of the other efforts to advance educational equity, for example, by strengthening the comparability section and ensuring high quality teachers in high poverty schools, would go for naught. There would be no surer way of shredding an accountability system. This section must be deleted.

Parents' Rights and Remedies

Right to Transfer and to Supplemental Educational Services. The draft does not include strong provisions enabling parents to obtain relief and help when their children are trapped in substandard schools. In fact, the draft appears to take back rights previously granted to families under NCLB by unreasonably limiting eligibility for choice and SES to a much smaller subset of students in need. These provisions must be restored and strengthened.

The Citizens' Commission has submitted extensive recommendations to the Committee on improvements to SES and to strengthen public school choice. E.g., we furnished detailed recommendations to the staff and Ms. Piché previously testified before the Subcommittee on these issues on April 18, 2007. We particularly urge the committee to consider our recommendations on how to guarantee real choices and to facilitate inter-district transfers where successful schools in a district do not have capacity for eligible students.

Civil rights organizations were among the original supporters of the right-to-transfer provisions in both IASA and NCLB and have supported the free-tutoring provisions as well. We stress that these provisions were not intended to be "sanctions" or punishments for failing schools (though they can be helpful in improving schools) but as options that provide some modest measure of relief and compensation to students who have been wronged by an inadequate education. Fundamental fairness dictates that if middle-class and wealthy parents have the freedom to move their children from substandard educational environments to ones that offer a better prospect, then the poor should have those same rights for their children. This is especially the case for children who have been assigned to chronically low-performing schools.

Enforcement. It is unrealistic and unfair to rely solely on administrative enforcement at the federal and state levels to vindicate the rights of students when they are violated by recipients of federal funds. Parents and students must be empowered to become full partners in implementing and enforcing the law. CCCR, along with other civil rights organizations, will be submitting recommendations supporting enforcement rights of Title I beneficiaries.

APPENDIX A.—TO TESTIMONY OF CITIZENS' COMMISSION ON CIVIL RIGHTS

Provisions Advancing Equal Opportunity

The Miller-McKeon Discussion Draft includes many new provisions that will advance the educational equity goals of the IASA and the NCLB. We are still studying the entire draft and will add to this list in the near future. While some of these proposals will need to be refined or developed further, we would urge the Committee to include them in a reauthorized ESEA and without weakening amendments:

1. A new, dedicated funding stream for high schools, with a focus on challenging and engaging young people and stopping the hemorrhage of high-drop out rates in high-poverty high schools.

2. Clarification that only valid and reliable measures (verified by an independent analysis) of student academic outcomes may be used to calculate adequate yearly progress. The draft also broadens the scope of accountability by permitting states to hold schools and districts accountable for teaching and learning in important core subjects (other than reading and math) like science, social studies and writing.

3. Increased public access to and participation in state and local school reform efforts, including, e.g., the provision of immediate access (on the internet) of all state plans.

4. Alignment of state academic content standards and accountability systems to knowledge and skills needed for post-secondary education and the modern workplace.

5. Support for the development of state longitudinal data systems to track student progress over time.

6. Allowance for states to implement rigorous growth models, following the basic principles and rules for such allowance that were followed by the Secretary in granting this flexibility to several promising states. Includes important safeguards to ensure that growth models do not water down expectations for students.

7. The restoration of the requirement that all students make "substantial and continuous academic improvement," a key provision in the IASA of 1994 that was deleted in the NCLB of 2001.

8. Maintenance of the "starting point" established under NCLB in 2002, along with the 2013-14 deadline for full proficiency.

9. Statutory limits on confidence intervals, large "n sizes," percentages of students with disabilities who can be excluded from regular assessments, and other State devices that have operated to leave millions of children—most of whom are minorities—out of the accountability system.

10. Requirement for much-needed and long-overdue statewide policy on research-based assessment accommodations and adaptations.——and p.74-5

11. Strengthened reports to parents on individual student achievement. P.72

12. Deadline (2 years) by which states must meet a long-overdue requirement of the IASA of 1994: valid and reliable ways to assess their ELLs and students with disabilities, and penalty for noncompliance thereafter.

13. Assurance that curriculum will be aligned with the standards, with aligned professional development. (86-87)

14. A more sensible approach to accountability that recognizes that some substandard schools need to improve more, others less or in different ways, and the attempt to target interventions and resources to those schools furthest from state standards.

15. Elimination of the loophole in Title I's "comparability" provision that for many years has enabled wealthy schools to spend more per student on teachers' salaries and other educational expenditures than poor schools in the same district.

16. Other provisions in Title II, including provisions of the so-called "TEACH Act" which has been endorsed by a broad coalition of civil rights and education organizations.

Chairman MILLER. Ms. Pompa?

STATEMENT OF DELIA POMPA, VICE PRESIDENT, NATIONAL COUNCIL OF LA RAZA

Ms. POMPA. Good afternoon. My name Delia Pompa. I am the vice president for education at the National Council of La Raza.

NCLR is a private, nonprofit, nonpartisan organization established in 1968 to reduce poverty and discrimination and to improve opportunities for the Nation's Hispanics. In my role as vice president for education at NCLR, I oversee programs ranging from early college high schools and charter schools to prekindergarten and early childhood education.

My work on public school reform has been shaped by more than 30 years' experience leading local, State and Federal agencies and national and international organizations. I began my career as a kindergarten teacher in San Antonio and went on to serve as district administrator and as assistant commissioner of the Texas Education Agency. Only providing these bona fides so you will know that my heart is in education.

Since that time, I have been focused on helping academic institutions understand and respond to the needs of underserved children and their teachers.

NCLR appreciates that the committee has placed the education of Latino and English language learners, or ELL, students at the center of the reauthorization process.

While NCLR is interested in every aspect of reauthorization, in my testimony today I will focus on the ELL provisions of the discussion draft released on August 28. I will provide comments on those aspects for the proposed law.

NCLB reauthorization represents a critical juncture for the Latino community and for public schools in general. Over the past decade, Latino and ELL students have changed the demographics of our Nation's schools. However, historically, public schools have not provided the Nation's Hispanic and ELL children with a high-quality education. Over the past 5 years, awareness of the low achievements of Latinos and ELLs have increased significantly. The harshest critics of NCLB choose to blame the law for this. What is seldom mentioned is that NCLB has highlighted conditions that have been in existence for decades with little notice or consternation.

When I was teaching 30 years ago, Latino students in the U.S. did not receive the rigorous coursework and effective instruction needed to succeed in school and go on to college. If they were English language learners, the situation was grimmer. The same applied 20 years ago and 10 years ago. Simply put, the quality of education available to poor, minority children in inner cities over the last several decades has not come close to that available for white children or children in more affluent communities.

Poor, minority and ELL kids have not been getting a fair shake, and there has been little public will to change that. While NCLB has not changed these conditions, it has forced the public school system to begin addressing them and to put plans in place to improve educational opportunities for English language learners.

Unfortunately, 5 years after NCLB's enactment, there are many myths about the requirements of the law and about Hispanic and ELL student populations that have sought to weaken the public will to effectively implement the law.

These include, first, ELL students are causing schools to fail to make AYP. In fact, according to the NCLB Commission and other studies, ELLs are not the sole or the main reason schools are identified as not making AYP.

Another myth is that most Hispanic and ELL students are immigrants; thus, it is unfair to hold schools accountable for their academic achievement. The fact is 89 percent of Latinos under 18 are U.S. citizens.

Another myth is that 5 years is just not enough time for States, districts and schools to put in place appropriate assessments for ELLs. The assessment requirements have been in place since 1994, as was mentioned by my colleagues, under the Improving America Schools Act.

The most pernicious of all the myths is the notion that too many out-of-school challenges, including poverty, family education and limited English proficiency, make it impossible for schools to close the achievement gap; thus, NCLB's accountability system is unfair. The fact is many of these challenges are being addressed through programs such as Head Start, SCHIP, housing counseling, adult

education, Even Start and so on. While schools have a major challenge, schools are not alone in this.

Overall, the discussion draft moves the ball forward significantly for English language learners. Specifically, we support the following provisions: first, including former LEP students in the LEP category for 3 additional years so that their progress may be included in AYP.

Second, we support the codification of the Department of Education's regulation allowing a 1-year exemption from the reading test for recently arrived English language learners.

We also support requiring the development and use of appropriate English language learner assessments 2 years after the renewed No Child Left Behind law is effective.

Another provision that we support is a special rule requiring certain States to develop native language assessments.

And, finally, we support the requirement in the State plans for professional development and the use of accommodations for teachers of all ELL students.

NCLB has changed the debate over how best to educate the Nation's ELLs to a simple question: How can schools improve the academic achievement and attainment of ELLs? NCLB gives States, school districts and schools the flexibility to design their own responses to this question with one caveat: They will be held accountable for helping ELLs learn English and meet the same academic standards of other children. NCLR urges Congress to maintain this focus in final reauthorization legislation.

In conclusion, the demographics clearly show that the future of our public school system rests on its ability to prepare the growing number of Hispanic and ELL students for college and the workplace. Over the past 5 years, there has been a great momentum behind closing the achievement gap. There is unprecedented public will to ensure that every child has a quality education.

Weakening NCLB's accountability measures would weaken the public will to improve our public schools and would pull the rug out from under millions of children and their parents, as well as the Nation's teachers who are committed to providing their students with a high-quality education.

Thank you for considering our views.

[The statement of Ms. Pompa follows:]

Prepared Statement of Delia Pompa, Vice President, National Council of La Raza

My name is Delia Pompa; I am the Vice President for Education at the National Council of La Raza (NCLR). NCLR is a private, nonprofit, nonpartisan organization established in 1968 to reduce poverty and discrimination and improve opportunities for the nation's Hispanics. As the largest national Hispanic civil rights and advocacy organization in the U.S., NCLR serves all Hispanic nationality groups in all regions of the country through a network of nearly 300 Affiliate community-based organizations.

In my role as Vice President for Education at NCLR, I oversee programs ranging from early college high schools and charter schools to pre-kindergarten and early childhood education. My work on public school reform has been shaped by more than 30 years of experience leading local, state, and federal agencies and national and international organizations. I began my career as a kindergarten teacher in San Antonio, and went on to serve as a district administrator in Houston and as Assistant Commissioner of the Texas Education Agency. I was formerly the Director of Education, Adolescent Pregnancy Prevention, and Youth Development for the Chil-

dren's Defense Fund, and Director of the Office of Bilingual Education and Minority Language Affairs at the U.S. Department of Education. In particular, I am focused on helping academic institutions understand and respond to the needs of underserved children and their teachers.

NCLR appreciates the Committee's efforts to hold this hearing on the reauthorization of the Elementary and Secondary Education Act of 1965. In particular, we are pleased that the Committee has placed the education of Latino and English language learner (ELL) students at the center of the reauthorization process. One immediate benefit of the No Child Left Behind Act (NCLB) is that it has brought to light issues concerning ELLs.

As a preliminary matter, I would like to state unequivocally that NCLR believes that English is critical to success in this nation and strongly supports English-language acquisition for ELLs and all individuals who are limited English proficient (LEP). The fact is, NCLR and its Affiliate Network are in the business of helping LEP children and adults acquire English-language skills. For example, about half of our nearly 300 Affiliates provide some English-language acquisition services. In addition, NCLR's network of more than 90 charter schools serves a diverse group of students, including ELLs.

NCLR has also invested a great deal of time in shaping the No Child Left Behind Act and in working toward more effective implementation of that law, which we see as a linchpin for the future of Latino students, nearly half of whom are ELLs. NCLR worked with Congress to craft a new bilingual education law, Title III of NCLB, which has clear accountability for helping ELLs acquire proficiency in English and keep up with their English-proficient peers in reading, math, and science. NCLR worked with Congress to make sure that parents are part of the education process, particularly immigrant parents who are not English proficient. NCLR has been working in collaboration with the Department of Education to improve implementation of the ELL provisions of NCLB and to fight back efforts to erode accountability for ELLs. We hope to continue working with Congress to strengthen—not discard—NCLB's accountability provisions. NCLR's publication, Improving Assessment and Accountability for English Language Learners in the No Child Left Behind Act, provides a roadmap for NCLB reauthorization. I would like to submit a copy of that issue brief for the record.

NCLR has also worked to inform the Latino community about NCLB, particularly the parents of students most likely to benefit from NCLB, yet most likely to be ignored. Specifically, NCLR has conducted workshops and trainings for Latino, limited-English-proficient, and farmworker parents. In the rural community of Woodburn, Oregon, we conducted a day-long training which attracted about 100 farmworker parents of ELLs. Their deep commitment to the education of their children was clear. Their main challenge in fulfilling their role under NCLB—to hold their local schools accountable for improving educational outcomes—is their lack of English proficiency.

While NCLR is interested in every aspect of the reauthorization, in my testimony today I will focus on the ELL provisions of the discussion draft released on August 28, 2007. Specifically, I will provide (1) selected statistics on ELL and Hispanic students; (2) a brief history of the education of ELL students; (3) a brief discussion of popular myths about NCLB as it relates to ELL students; and (4) an examination of key provisions of the discussion draft.

Hispanic Education Statistics

NCLB reauthorization represents a critical juncture for the Latino community and public schools in general. Over the past decade, Latino students have had a great impact on the demographics of our nation's public schools. This can be characterized by Hispanic students' large numbers, rapid increase, and growing presence in schools, particularly in "nontraditional" states. For example, in 2005, Hispanics accounted for more than 10.9 million students enrolled in U.S. public schools (preK-12th grade). Between 1993 and 2003, the proportion of Hispanic students enrolled in public schools increased from 12.7% to 19%, while the proportion of White students decreased from 66% to 58%. Between 1972 and 2004, the proportion of the Hispanic student population increased in the South from 5% to 17%, in the Midwest from 2% to 7%, and in the Northeast from 6% to 14%.

In addressing education reform, NCLR focuses on ELLs because of their growing presence in public schools. During the 2004-2005 academic year, there were an estimated 5.1 million ELL students enrolled in public schools, representing 10.5% of the total public school student enrollment and representing a more than 56% increase between 1994-1995 and 2004-2005. Nearly four-fifths (79%) of ELL students are native Spanish-speakers. Nearly half (45%) of all Latino children in our nation's public schools are ELL students.

ELLs are often in urban schools and large districts. An estimated 91% of ELL students live in metropolitan areas. In fact, nearly 70% of the nation's ELLs are enrolled in 10% of metropolitan-area schools; a quarter of the 100 largest school districts have an ELL population of at least 15%. However, their numbers are growing in "nontraditional states." Between 1995 and 2005, states which experienced the largest growth rates in ELLs included South Carolina (714%), Kentucky (417%), Indiana (408%), North Carolina (372%), and Tennessee (370%).

Thus, if NCLB and public schools do not work for Latinos and ELLs, we do not have a functioning public school system in the U.S. Unfortunately, public schools have not worked thus far for the nation's Hispanic children.

History of Hispanic Education

Over the past five years, awareness of the low achievement of ELLs has increased significantly. The harshest critics of NCLB choose to blame the law for this. What is seldom mentioned is that NCLB has simply highlighted conditions that have been in existence for decades with little notice or consternation. When I was teaching 30 years ago, Latino students did not receive the rigorous coursework and effective instruction needed to succeed in school and go on to college. If they were ELL, the situation was grimmer. The same applied 20 years ago, and ten years ago. Yet, despite receiving less than a quality education, many of these students received passing grades and eventually graduated from high school. Simply put, the quality of education available to poor, minority children in the inner cities over the last several decades has not come close to that of White children or children in suburban communities. Poor, minority, and ELL kids have not been getting a fair shake. And there was no public will to change the educational experiences of these children because there was no shared responsibility.

Certainly, the current state of Hispanic education should be a cause of concern. Some key statistics illustrate this: Latinos do not have equitable access to preschool education. In 2005, 66% of Black children and 59% of White children participated in center-based preschool education programs, while only 43% of Hispanic children participated. (National Center for Education Statistics, "Enrollment in Early Childhood Education," The Condition of Education 2006. Washington, DC: U.S. Department of Education, 2006, Table 2-1, p. 2.)

Minority students, including Latinos, are not provided with rigorous coursework. According to a study by Achieve, Inc., while 74% of minority girls want to enroll in advanced courses, only 45% of their schools offer these courses. Similarly, two-thirds of minority boys have an interest in taking advanced mathematics courses, but fewer than half attend schools that offer these courses. ("If We Raise Standards in High School, Won't Students Become More Disengaged?" Fact Sheet. Washington, DC: Achieve, Inc., 2005. *http://www.achieve.org/node/595)*

The results speak for themselves. Too few Latinos and African Americans graduate from high school. Only 53% of Hispanic students and 50% of African American students who enter 9th grade will complete the 12th grade and graduate with a regular diploma, compared to 75% of White students. (Orfield, Gary, Daniel Losen, Johanna Wald, and Christopher B. Swanson, Losing Our Future: How Minority Youth Are Being Left Behind by the Graduation Rate Crisis. Cambridge, MA: The Civil Rights Project at Harvard University. Contributors: Advocates for Children of New York and Civil Society Institute, 2004, p. 2.)

Myths and Facts on NCLB and ELLs

While NCLB has not changed these conditions, it has forced the public school system to begin addressing them and to put plans in place to improve educational opportunities for ELLs. Thus, NCLR strongly believes that any changes to NCLB during this reauthorization must maintain a focus on high standards, assessment, accountability, parental involvement, teacher quality, and adequate resources. Unfortunately, five years after NCLB's enactment, there are many myths about the requirements of the law, and about the Hispanic and ELL student population. These include:

"ELL students are causing schools to fail to meet adequate yearly progress (AYP) benchmarks." The truth is, according to the NCLB Commission, ELLs are not the sole reason schools are identified as not making AYP.

"Most Hispanic and ELL students are immigrants. Thus, it is unfair to hold schools accountable for their academic achievement." The truth is, the vast majority of Latino children are U.S. citizens by birth; 88% of Latinos under 18 are U.S.-born. Another 1% are naturalized citizens. About 10% of Latino children under 18 are noncitizens. According to the Urban Institute, in 2000, only 1.5% percent of elementary schoolchildren and 3% of secondary schoolchildren were undocumented immigrants. Fifty-nine percent of elementary school ELL students are U.S.-born children

of immigrants, or second generation, and 18% are children of U.S. native-born parents, or third generation.

"Five years is just not enough time for states, districts, and schools to put in place appropriate assessments for ELLs." The truth is, the assessment requirements have been in place since 1994 under the Improving America's Schools Act (IASA).

There is also a great deal of confusion about regulations promulgated by the U.S. Department of Education related to recently arrived ELLs. The Department's ELL regulation allows states to exempt recently arrived LEP students from one administration of the states' reading/language arts assessment. It requires states to include recently arrived LEP students in state mathematics assessments, but allows them not to count in adequate yearly progress determinations the scores of recently arrived LEP students on state mathematics assessments. Myths related to the rule abound and include:

"The Department's new rule is unfair because schools currently have a three-year exemption for newly arrived ELLs." The truth is, there was no exemption of ELLs prior to this rule.

"Because of this new rule, ELLs are being forced to take English-language tests after one year." The truth is, states can still test ELLs in other languages, consistent with 1111(b)(3)(C) of NCLB.

Most pernicious of all is the notion that "too many 'out-of-school challenges,' including poverty, family education, and limited English proficiency make it impossible for schools to close the achievement gap. Thus, NCLB's accountability system is unfair." The fact is, many of these challenges are being addressed through programs such as Head Start, 21st Century Community Learning Centers, the State Children's Health Insurance Program, housing counseling, adult education, Even Start, and so on. Schools are not in this alone.

Key ELL Provisions in the August 28, 2007, Education and Labor Committee Discussion Draft

Overall, the discussion draft moves the ball forward significantly with regard to NCLR's principal goal of ensuring that the heart of NCLB—its foundation of standards, assessments, and accountability—is strengthened, not discarded, for ELLs. Specifically, we support the following provisions:

Including "former-LEP" students in the ELL category for three additional years (Page 31, Section 1111(b)(2)(C)(v)(II)(dd)). This provision give schools additional flexibility in allowing ELL students who have acquired English proficiency to be counted as ELL for an additional three years for AYP purposes. This increases the likelihood that students in the ELL category will make AYP and does not punish schools which are helping students acquire English. NCLR recommends keeping the language as it is in the discussion draft.

Codification of the Department of Education's regulation allowing a one-year exemption from the reading test on recently arrived ELLs (Page 54, Section 1111(b)(2)(Q)). This regulation represents common-sense policy. Schools should have one year to provide instruction and other academic supports for recently arrived ELLs in order to demonstrate whether or not their programming is effective. Any less time would be unfair to schools, and more time would place ELLs in jeopardy of falling through the cracks. NCLR recommends keeping the language as it is in the discussion draft.

Requiring the development and use of appropriate ELL assessments two years after the renewed NCLB is effective, with the use of appropriate interim measures for certain ELLs, and with 25% withholding of funds for noncompliance (Pages 84-85, Section 1111(b)(10)). As noted above, states have had since implementation of the 1994 law to develop appropriate assessments. Over the past five years, many states have made great progress toward complying with this aspect of the law and should be in a position to meet this requirement. The draft allows states to use interim measures for those ELLs at the lowest levels of English proficiency and use their progress in acquiring English as an interim AYP measure. This provides states with sufficient flexibility until they develop appropriate assessments. Principals, teachers, and students should not be asked to wait any longer for appropriate assessments. NCLR recommends keeping the language as it is in the discussion draft.

The "special rule" requiring certain states to develop native-language assessments (Pages 81-85, Section 1111(b)(6)). This provision is intended to provide districts and schools with a significant number of ELLs from one language group appropriate assessments for ELLs, in this case a native-language assessment. NCLR supports this provision because research has consistently shown that some standardized tests may not effectively assess the academic achievement of ELLs. The National Research Council found that some ELL test scores may be inaccurate if ELL students take tests in English, concluding that "when students are not proficient in the lan-

guage of assessment (in this case, English), their scores on a test will not accurately reflect their knowledge of the subject being assessed (except for a test that measures only English proficiency)." However, we would recommend changing the legislative language and the policy to clarify that 10% refers to 10% of all students in a state:

"(C) SPECIAL RULE.—Consistent with subparagraph (A) and State law, in the case of any State where at least 10 percent of all students who are English language learners share one language, the State shall——

(i) develop or make available to such students native language or [dual language] assessments that are valid, reliable, and aligned to grade level content and student academic achievement standards; and

(ii) assess such students using such assessments, if such assessments validly and reliably measure the content and instruction such students received."

The requirement in the state plan for professional development in the use of accommodations (Page 87, Section 1111(b)(11)(G)). This provision ensures that teachers in states which will use accommodations as part of their assessment system will be prepared to adjust their instruction accordingly and use accommodations appropriately. NCLR recommends keeping the language as it is in the discussion draft.

Conclusion

The debate over how best to educate the nation's ELLs has shifted dramatically since passage of NCLB. Before NCLB, the ELL student population was often overlooked. Little to no accountability for the learning of these students existed. Indeed, most states did not include ELLs in their accountability systems. In addition, many activists and policy-makers argued about what was the best method for helping ELLs acquire English. NCLB has correctly changed the debate on ELLs to a simple question: How can schools improve the academic achievement and attainment of ELLs? NCLB gives states, school districts, and schools the power to design their own responses to this question with one caveat: They will be held accountable for helping ELLs learn English and meet the same reading and mathematics standards as other children. States and districts will have to report to parents on their progress, and parents will hold schools accountable if they cannot meet their goals.

In addition, as Congress moves forward with NCLB reauthorization, we are concerned that members will seek to conflate the education of ELLs and Hispanic children with immigration policy. We would like to set the record straight before the debate begins. As noted above, the vast majority of Latino children are U.S. citizens by birth. Thus, any attempts to use immigration—legal or unauthorized immigration—to exclude or marginalize ELL and Hispanic students are without basis or merit, must be soundly rejected by Congress, and should be described clearly and without hesitation as an attack on the principle of inclusion which has characterized the U.S. and the American people.

Congress must move the ball forward on education reform. Given the demographics noted above, the future of our public school system rests on its ability to prepare the growing number of Hispanic and ELL students for college and the workplace. For Latinos and ELLs, inclusion in NCLB represents the best opportunity to achieve this. This means that the heart of NCLB—its foundation of standards, assessments, and accountability—must be strengthened, not discarded.

Over the past five years, there has been great momentum behind closing the achievement gap. There is unprecedented public will among educators, policy-makers, and the nation as a whole to ensure that every child has a quality education. Gutting NCLB's accountability measures would be a major setback for members of Congress, advocates, educators, parents, and students hoping to build on this public will to improve our public schools.

[Internet address to National Council of La Raza Issue Brief No. 16, Mar. 22, 2006, follows:]

http://www.nclr.org/content/publications/download/37365

Chairman MILLER. Thank you.

Ms. Neas?

STATEMENT OF KATY BEH NEAS, DIRECTOR OF CONGRESSIONAL RELATIONS, EASTER SEALS, CONSORTIUM FOR CITIZENS WITH DISABILITIES

Ms. NEAS. Good afternoon, Mr. Chairman and members of the committee. My name is Katy Neas, and I speak to you today as one of the four co-chairs of the Consortium for Citizens with Disabilities' Education Task Force. I am also director of congressional affairs at Easter Seals.

CCD is a coalition of nearly 100 national consumer advocacy provider and professional organizations, headquartered in Washington, D.C. Since 1973, CCD has advocated on behalf of people with disabilities of all ages and with all types of disabilities in their families. And approximately 50 national organizations participate in our Education Task Force.

Let me begin with stating that No Child Left Behind has been very good for students with disabilities. The most recent amendments enhanced improvements made over the past decade to the Individuals with Disabilities Education Act. When Congress reauthorized IDEA in 1997, several provisions were added to this landmark civil rights law.

First, students with disabilities were to have access to the general curriculum. When IDEA was first enacted, as you know, Mr. Chairman, in 1975, with your participation, some thought that that meant that kids should have the right to physically attend school. In 1997, Congress clarified the law to mean that not only should students with disabilities have the opportunity to physically enter a school, but that students should be taught the same material as their nondisabled peers.

Second, Congress required students with disabilities to be included in state- and district-wide assessments. For students who cannot take the regular assessment, their progress was to be measured based on an alternate assessment. The purpose of these two provisions was to raise expectations about the academic achievement of students with disabilities. Our national policy was that students with disabilities should more than simply attend school; they should be expected to make academic progress that is similar to their nondisabled peers.

NCLB continued this path of high expectations. States were required to measure and report the progress of all children, including children with disabilities. And as my colleague just mentioned, we now have meaningful data on the academic progress of students with disabilities.

Nationally, students with disabilities represent about 13 percent of the total student population. I have prepared a chart for each of the committee members showing the breakdown by disability category of students in their States. As you will see, although disabilities do range across a wide spectrum, we know that 85 percent of students identified do not have a cognitive disability. Moreover, nearly 50 percent of students with disabilities spend more than 80 percent of each school day in the regular classroom with their peers.

We also have data attached to my testimony that indicates that test scores of students with disabilities are distributed across the performance range similar to general-education students. Thanks

to ESEA and IDEA, students with disabilities are setting high goals and reaching them.

I would like to speak to the draft bill now. Let me start with a positive element.

First, we are extremely pleased that the bill does not establish a student's individualized education program as the accountability measure for students with disabilities. The purpose of an IEP is to spell out the special education and related services that a student needs to benefit from education. IEPs are not designed as tools for holding schools accountable whether a student is taught to the academic content and achievement standards. Rather, IEPs set goals and objectives that the school and parents hope the child will achieve as a result of achieving special education services.

Additionally, we are pleased that the draft bill maintains the students' subgroup and requirement for disaggregation of data. Like the addition of graduation rates as a factor in AYP, the addition of student growth as an allowable factor in AYP, the requirement that the subgroup not exceed the number of 30, that is very important to us.

We appreciate the bill recognizes school-wide positive behavior supports—that can be helpful—and the requirement of the development of a comprehensive plan to address implementation of universal design for learning.

There are a few areas which the disability coalition would like to see the bill improve.

We would like to see dropped from the bill the provision that would allow a local education agency to exclude up to 40 percent of students with disabilities, some 2.4 million students, from grade-level academic standards. Many students with disabilities can achieve grade-level work when given the right access to high-quality instruction with qualified teachers and appropriate accommodations for both instruction and assessment.

We acknowledge that the bill gives States 2 years to develop assessments for all students, and we hope the final bill will propel States to take this action immediately.

In closing, I would like to reaffirm my belief that students with disabilities have reaped significant benefits from No Child Left Behind. Students whose progress is measured get taught. Every principal in every school has the ability to know the progress of each child in his or her school. Schools are making decisions on how best to get more children to achieve at the proficient level, including students with disabilities. Students with disabilities are being educated in challenging environments, where expectations of their academic progress are not automatically set at the lowest bar.

I am hopeful that, when the data is reported in a decade from now, that we will see the graduation rate of students with disabilities go through the roof, where more students with disabilities complete college and have fuller lives.

Thank you for the opportunity to be here.

[The statement of Ms. Neas follows:]

Prepared Statement of Katy Beh Neas, Co-Chair, Consortium for Citizens With Disabilities Task Force

My name is Katy Beh Neas and I speak to you today as one of the four co-chairs of the Consortium for Citizens with Disabilities Education Task Force. I am also Director of Congressional Affairs for Easter Seals.

The Consortium for Citizens with Disabilities is a coalition of nearly 100 national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society. Approximately 50 national organizations participate in the Education Task Force. Thank you for this opportunity to speak to you today regarding the Miller-McKeon Discussion Draft of the Reauthorization of the Elementary and Secondary Education Act.

Let me begin by stating that the Elementary and Secondary Education Act, as amended in 2002, has been good for students with disabilities. These amendments enhanced improvements made to the Individuals with Disabilities Education Act (IDEA) over the past decade. As you know, IDEA has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

When Congress reauthorized IDEA in 1997, several important provisions were added to this landmark civil rights law. First, students with disabilities were to have access to the general curriculum. When IDEA was first enacted in 1975, there was a thought that kids with disabilities have the right to physically attend public school. In 1997, that right was clarified to mean that not only should students with disabilities have the ability to physically enter a school, but that these students should be taught the same material as their non-disabled peers.

Second, Congress required students with disabilities to be included in state and district-wide assessments, with appropriate accommodations where necessary. For students who cannot take the regular assessment, their progress was to be measured based on an alternate assessment. The purpose of these two provisions was to raise expectations about the academic achievement of students with disabilities. Our national policy was that students with disabilities should do more than simply attend school. They should be expected make academic progress that is similar to their non-disabled peers.

With the enactment of the 2002 ESEA amendments, federal education policy continued on this path of high expectations. The amendments required all students with disabilities to participate in academic assessments and to be taught by highly qualified teachers. States were required to measure and report the progress of all children, with direct attention placed on the progress of students with disabilities as a subgroup. We now have meaningful data on the academic progress of students with disabilities.

Nationally, students with disabilities represent about 13 percent of the total student population. I have prepared for each committee member a chart that indicates the breakdown by disability category of students in their states. Although their disabilities do range across a wide spectrum, we know that 85 percent of students identified do not have a cognitive disability. Moreover, nearly 50 percent of students with disabilities spend more than 80 percent of each school day in the regular classroom with their peers. We also have data that indicates that test scores for students with disabilities are distributed across the performance range similar to general education students.

Thanks to ESEA and IDEA, students with disabilities are setting high goals and reaching them.

Today, I have been charged with commenting on the positive elements of the draft bill and providing suggestions on how the draft can be improved.

Let me start with the positive elements. First, disability advocates are very pleased that bill does not establish a student's Individualized Education Program (IEP) as the accountability measure for students with disabilities. The purpose of the IEP, as currently configured in IDEA, is to spell out the special education and related services that a student needs to benefit from education, including the frequency, duration and scope of these services. IEPs are not designed or used as tools for holding schools accountable for whether students with disabilities are taught to the academic content and achievement standards established by the state for all students. Rather, the IEP sets goals and objectives that the school and parents hope the child will achieve as a result of receiving special education and related services. Unfortunately, not every IEP goal is measured or measurable.

Additionally, we are pleased that the draft bill contains a number of policies that will directly benefit students with disabilities, including:

• Maintenance of the requirement for disaggregation of performance and participation data by student groups and adequate yearly progress (AYP) to be based primarily on academic assessments;

• Addition of graduation rate as a factor in adequate yearly progress;

• Addition of student growth as an allowable factor to be incorporated into AYP (with specific criteria);

• Requirement that the number of students in groups for disaggregation not exceed 30 (with allowable exception not to exceed 40);

• Requirement for each state to have an accommodations policy;

• Recognition of school-wide positive behavioral supports that can help create school environments that are conducive to learning; and

• Requirement for state education agencies to provide an assurance of the development of a comprehensive plan to address implementation of universal design for learning (UDL).

There are a few areas in which the disability coalition would like to see the bill improved. We would like to see dropped from the bill the provisions that would allow a local education agency to exclude up to 40 percent of students with disabilities, some 2.4 million students, from the grade-level academic standards. We appreciate that states have created appropriate policies to measure the progress of students with the most significant cognitive disabilities, along with assessments for students who are expected to achieve grade level academic standards. We also agree there are students with disabilities who are not achieving grade-level proficiency, and that the means by which their progress can be measured are limited. However, there simply is no empirical evidence to demonstrate that exempting a significant number of students from grade-level academic achievement standards is the appropriate response.

Many students with disabilities can achieve grade-level work when given the right access to high quality instruction, with qualified teachers and appropriate accommodations for both instruction and assessment. Nationally recognized experts have questioned how a policy—that will require alternate assessments and modified curriculum for as more than 2 million students—can be justified when the regulation for the students with the most significant cognitive disabilities effectively covers the number of students whose IEPs would deem them eligible for an alternate assessment. The bill should require states to develop modified assessments that can appropriately measure the knowledge and progress of these students.

While the bill allows for the Secretary to reexamine and re-promulgate regulations as appropriate, we find it disconcerting that Congress would place into law a provision that clearly continues to be experimental. Committing this provision to statute does substantially limit the Secretary's ability to use regulatory powers when findings indicate significant changes.

In addition, we are concerned about several provisions related to alternate academic achievement standards. Particularly disturbing is the provision stating that students assessed on this standard are only entitled to be included in the general curriculum "to the extent possible" and the provision that merely requires the alternate academic achievement standards to "promote" rather than "provide" access to the general curriculum. These provisions undermine the alignment of ESEA and IDEA, which ensure that all students with disabilities are involved in and make progress in the general education curriculum.

Equally disturbing is the omission of language that would align assessments on alternate academic achievement standards to the state content standards "for the grade in which the students are enrolled." This omission is significant since the language does appear in the provisions for assessments on modified academic achievement standards. The Department of Education guidance indicates that the alternate achievements standards are to be aligned to the grade in which the child is enrolled.

Lastly, we would like to see Title I funds be available for early intervening services.

I'd like to share with you thoughts that one mom shared with a member of our task force.

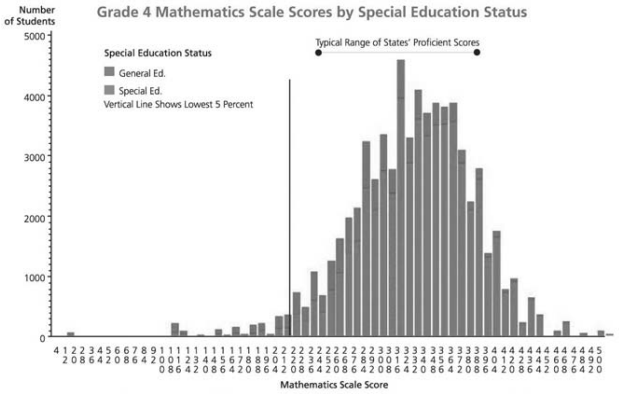
Rachel is about to start her junior year of high school. She has been on an IEP for six years for a specific learning disability in reading: dyslexia. During her sophomore year, Rachel decided that she was going to take Advanced Placement American History. This is considered a college level course and Rachel reads significantly below grade level. She is cognitively able to handle the material, but the reading is her biggest challenge. Upon the request of her parents, the district supplied her text book on CD so she could listen to the text. In addition, the school tutor read course materials to her as needed throughout the school year. Interestingly, Rachel

scored at the advanced level on the state graduation test in the area of social studies during the Spring of her sophomore year. No doubt the quality of the teaching in her A.P. U.S. History course influenced such high achievement. Rachel's cognitive ability is well above average, yet her significant disability in reading prevents her from demonstrating even higher achievement in testing situations.

We know that student success is predicated on a skilled teacher along with appropriate special education and related services. The ESEA must not construct barriers to grade level academic achievement standards for students like Rachel.

In closing, I'd like to reaffirm my belief that students with disabilities have reaped significant benefits from the amendments to the Elementary and Secondary Education Act. Students whose progress is measured get taught. Today, every principal in every school has the ability to know the progress of each child in his or her school. Schools are making decisions on how to best get more children to achieve at the proficient level, including students with disabilities. Students with disabilities are being educated in a challenging environment where the expectations of their academic progress are not automatically set at the lowest bar. I am hopeful that when the data is reported in a decade from now, that we will see the graduation rate of students with disabilities go through the roof, where more students with disabilities complete college and have enviable lives.

Thank you for the opportunity to speak with you today. I am happy to answer any questions you may have.



Source: Gong, B. & Simpson, M.A. (2005). "Kids in the Gap?": Academic Performance and Disability Characteristics of Special Education Students. Dover, NH: Center for Assessment. www.nciea.org

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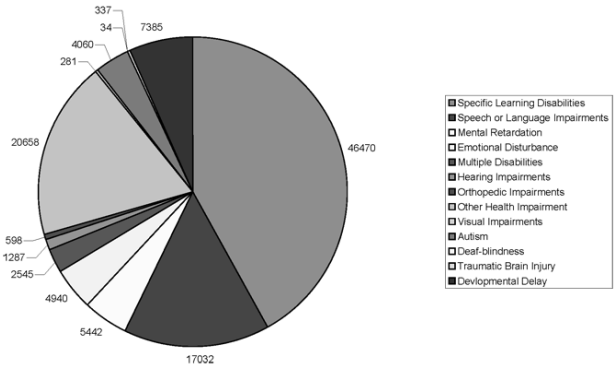

Chairman MILLER. Thank you very much.

Ms. Mandlawitz?

STATEMENT OF MYRNA R. MANDLAWITZ, POLICY DIRECTOR, LEARNING DISABILITIES ASSOCIATION OF AMERICA

Ms. MANDLAWITZ. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, my name is Myrna Mandlawitz, and I am the policy director of the Learning Disabilities Association of America. LDA appreciates the opportunity to provide comments today on the discussion draft of the ESEA.

LDA is a national volunteer organization representing individuals with learning disabilities, their families and the professionals who serve them. Our members have worked for more than 40 years to ensure that children with learning disabilities have access to the general-education curriculum and receive the supports they need to be successful in school.

I would like to begin by thanking the Chairman, committee members and staff for your very hard work in delivering what LDA believes is a strong start to the reauthorization process. Overall, we are pleased with many of the elements of the draft, and encourage the committee to continue to work thoughtfully and deliberatively, using the practical input from all interested parties.

While LDA has broad interest in all aspects of the law, in my brief time today I would like to comment on three specific items affecting students with learning disabilities: State options to adopt modified academic achievement standards; allowance of the use of multiple indicators to determine adequate yearly progress; and acknowledgment and use of research-based instruction and interventions, early intervening services and school-wide positive behavioral interventions and support.

Students with learning disabilities span the academic achievement spectrum. Many are able to complete grade-level work within the normal school year and successfully participate, with or without accommodations, on the regular State assessments. However, for other students with learning disabilities, the rate of learning is slower and may require additional time to complete grade-level work. LDA supports challenging academic achievement standards and the option for States to adopt modified achievement standards for students with disabilities as necessary.

That said, it will be critically important that States comply with the draft requirement to establish and monitor implementation of clear and appropriate guidelines for IEP teams in determining which students with disabilities should be assessed based on modified standards. This provision could be strengthened by adding specific language requiring the U.S. Department of Education to provide technical assistance to States in the development of these guidelines.

Again, we view as the greatest challenge to a State's implementation the determination of which student should be appropriately assessed based on these standards.

We also commend the committee for requiring that the Secretary engage in further study, review and disseminate results of current research and provide ongoing information to Congress on the challenges of appropriately assessing students with disabilities. LDA recognizes that development of modified standards is an emerging area that requires more research and resources.

We would welcome any additional language on search specific to developing these standards.

As noted earlier, students with learning disabilities by virtue of those disabilities do not always respond to the standard methods of instruction or assessment. In fact, students without learning disabilities have varied learning styles as well. Therefore, LDA supports the use of multiple measures of achievement to ensure that all students are given adequate opportunities to demonstrate proficiency without lowering expectations for learning.

While we applaud the committee's inclusion of multiple indicators for determining AYP, we would ask you consider broadening the list of allowable indicators, focussing less on single test results to determine efficiency and focussing more on individual student progress. Multiple measures of student achievement using various methods of assessment provide a more accurate picture of a student's strengths and weaknesses than a single score on a standardized test. Understanding these strengths and weaknesses is essential to addressing the educational needs of students with learning disabilities.

However, care must be taken to ensure such use of multiple measures for the purposes of AYP does not have the unintended consequences of more test-testing burdens rather than the more positive result of improving instruction. LDA approached the inclusion of response to intervention and early intervening services in the 2000 reauthorization of the IDEA with some trepidation since these interventions are focused specifically on students in general ed rather than students who are identified as needing special ed. LDA supports the use of tiered interventions and early intervening services to assist struggling students and believes these interventions rightly belong in the ESEA. We are particularly pleased under the local planned provisions that local districts must describe how assessment results will be used to provide research-based interventions, drawing the direct link between assessment and instruction.

I know that my time has run out here, but I do want to mention also that we very much support the use of positive behavioral supports and interventions, noting that the body of research that demonstrates improving the overall climate for learning will affect and improve learning for all students.

Finally, I will just mention that we would ask you to look very closely at including more language on transition planning, linking back to what many of the previous witnesses have talked about in post-secondary in looking at the post-secondary and entering the workforce. So thank you very much for this opportunity. And LDA looks forward to working with the committee.

[The statement of Ms. Mandlawitz follows:]

Prepared Statement of Myrna R. Mandlawitz, Policy Director, Learning Disabilities Association of America

Mr. Chairman and members of the Committee, the Learning Disabilities Association of America (LDA) appreciates the opportunity to provide comments on the discussion draft of Title I of the Elementary and Secondary Education Act. LDA is a national volunteer organization representing individuals with learning disabilities, their families, and the professionals who serve them. Our members have worked for more than 40 years to ensure that children with learning disabilities have access

to the general education curriculum and receive the supports they need to be successful in school.

I would like to begin by thanking the Chairman, Committee members, and staff for their hard work in delivering what LDA believes is a strong start to the reauthorization process. Overall, we are pleased with many of the elements of the discussion draft and encourage the Committee to continue to work thoughtfully and deliberately, using the practical input from all interested parties.

While LDA has broad interest in all aspects of the law, in my brief time today I would like to comment on three specific items affecting students with learning disabilities:

- States' option to adopt modified academic achievement standards;
- Allowance of the use of multiple indicators to determine adequate yearly progress; and,
- Acknowledgement and use of research-based instruction and interventions, early intervening services, and school-wide positive behavioral interventions and supports.

1. Modified Achievement Standards: Students with learning disabilities span the academic achievement spectrum. Many are able to complete grade level work within the normal school year and successfully participate, with or without accommodations, on the regular state assessments. However, for other students with learning disabilities, the rate of learning is slower and may require additional time to complete grade level work.

LDA supports challenging academic achievement standards and the option for States to adopt modified academic achievement standards for students with disabilities as necessary. That said, it will be critically important that States comply with the draft requirement to "establish and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining which students with disabilities" should be assessed based on modified standards. This provision could be strengthened by adding specific language requiring the U.S. Department of Education to provide technical assistance to States in the development of these guidelines. We view, as the greatest challenge to States' implementation, the determination of which students should be appropriately assessed based on these standards.

We also commend the Committee for requiring that the Secretary engage in further study, review and disseminate the results of current research, and provide ongoing information to Congress on the challenges of appropriately assessing students with disabilities. LDA recognizes that development of modified standards is an emerging area that requires more research and resources. We would welcome any additional language on research specific to developing modified achievement standards.

2. Use of Multiple Indicators: As noted earlier, students with learning disabilities, by virtue of those disabilities, do not always respond to the standard methods of instruction or assessment. In fact, students without learning disabilities have varied learning styles, as well. Therefore, LDA supports the use of multiple measures of achievement to ensure that all students are given adequate opportunities to demonstrate proficiency without lowering expectations for learning.

While we applaud the Committee's inclusion of multiple indicators for determining AYP, we would ask that you consider broadening the list of allowable indicators, focusing less on single test results to determine proficiency and focusing more on individual student progress. Multiple measures of student achievement, using various methods of assessment, provide a more accurate picture of a student's strengths and weaknesses than a single score on a standardized test. Understanding these strengths and weaknesses is essential to addressing the educational needs of students with learning disabilities. However, care must be taken to ensure such use of multiple measures—for the purposes of AYP—does not have the unintended consequences of more testing burdens, rather than the more positive result of improving instruction.

3. Response to Intervention (RTI), Early Intervening Services (EIS), and Positive Behavioral Supports (PBS): LDA approached the inclusion of RTI and EIS in the 2004 reauthorization of the Individuals with Disabilities Education Act with some trepidation, since these interventions are focused specifically on students in general education, rather than students identified as needing special education. LDA supports the use of tiered interventions and early intervening services to assist struggling students and believes that these interventions rightly belong in the ESEA. We are particularly pleased, under the Local Plan provisions, that local districts must describe how assessment results will be used to provide research-based interventions, drawing a direct link between assessment and improved instruction.

LDA also strongly supports the use of positive behavioral supports and interventions. There is a considerable body of research demonstrating that improving the

overall climate for learning, as well as addressing individual barriers to learning beyond purely cognitive factors, produces higher achievement. Often students with and without learning disabilities have co-occurring emotional and behavioral problems, resulting from academic frustrations. Attention to non-academic supports is critical for all students in meeting the academic achievement standards.

Finally, LDA appreciates the Committee's acknowledgement of the importance of ensuring that all students leave school ready for college or to enter the workforce with marketable skills. We would urge the Committee to include more language on transition planning, so that adequate and timely planning occurs to assist students in meeting their postsecondary goals. Strong transition planning would ensure that students are enrolled in appropriate courses, would expand their understanding of options for study, including more career and technical education options, and ensure that students clearly understand the ramifications of postsecondary planning.

Thank you for the opportunity to share these comments with you. We look forward to working with you throughout the reauthorization process.

Chairman MILLER. Thank you. And thank you very much to all of you for your testimony. Are there any questions from members for the panel?

Mr. Kildee.

Mr. KILDEE. Just a statement to Mr. Zamora, and we have made a good deal of progress starting in 1994 really. I can recall, at that time, I was chairman of the subcommittee, and I had—I was assigned to, I think, a sophomore at the time, Xavier Becerra, you could write the what we call bilingual education that day. He did an excellent job by consulting with your organization, and we have grown since then. So your input even before 1994, but especially 1994 really helped us reach where we are today, and I very much appreciate that. Thank you.

Chairman MILLER. Mr. Scott.

Mr. SCOTT. Thank you.

Ms. Neas, one of the problems we have had dealing with disabled children is if we allowed them not to come up to the regular standard, we will give an incentive to overidentify people as disabled, children as disabled. How can we appropriately measure children under IDEA without giving the incentive to overidentify them?

Ms. NEAS. Thank you for that question.

Under IDEA, in order to be eligible for special education students, a student has to have both a disability and needs special education services. So by simply having a disability is not sufficient to meet the eligibility criteria. There are provisions in IDEA that say if you lack previous education instruction, lack of language skills, those things don't automatically make you eligible, and those things need to be ruled out before a child can be determined eligible.

We now have requirements that were put in the 1997 amendments and then reaffirmed in the 2004 amendments that prohibit States from having internal funding distribution formulas that would award school districts for putting children in more segregated environments. There really are no sort of in the law incentives to do that. I think, as with many instances with laws, it is up to parents to make sure that their children are appropriate, getting the appropriate services that they need. I think it is challenging now for schools to overidentify children even though we know it is happening. I think there are more protections now in the law than ever before. I also think with the subgroup categories where children can be in more than one subgroup category, that

schools are going to be more diligent in trying to make sure that a child is in the appropriate subgroup and not in more than one if that is not appropriate.

Mr. KILDEE. Thank you.

Chairman MILLER. Mr. Grijalva.

Mr. GRIJALVA. Thank you very much.

For Ms. Pompa and Mr. Zamora, the States have a high participation of English learners, I support them very much. For that to be effective, is it going to be required that we have language provisions that complement that policy initiative? Or that is going to be State driven? I am still not clear on that, either or both.

Mr. ZAMORA. It is certainly critical that we do include all ELL students in NCLB accountability because otherwise they won't get the same attention that they deserve. But I think your question sort of notes what has been happening really at the State level, where the States really haven't prioritized the development of good content assessments. So actually the draft bill I think is going to do a lot to support States in developing appropriate assessments and also really holding them responsible; that after 2 years, they suffer potential withholdings if they don't put in place good systems. So, during that 2 years, there is differential treatment of ELLs under AYP to help schools and districts out that don't have the right instruments. But after 2 years from date of enactment, we will have a very strong testing system and really from a long time coming, progress notwithstanding, that it has been 15 years, and we still don't have good tests for ELLs.

Mr. GRIJALVA. Thank you.

Chairman MILLER. Would you care to comment?

Ms. POMPA. I would only comment that in States such as yours where there has been misguided legislation that undoes the right to provide English language instruction for students, this provision would help guide those districts to make the appropriate curricular decisions for those students and therefore show what children know rather than what they don't know.

Chairman MILLER. Misguided is a nice euphemism. Thank you.

Ms. Piche, you talked about the equity issue involving the distribution of teachers, provided everybody agrees to that. Can you reconcile also the workplace prerogatives and rights, for lack of a better word, that educators have through their collective bargaining issue versus—if versus is the right word—the need to create that equity distribution? Can you suggest a mechanism?

Ms. PICHE. This is a very tough issue. But I would say, yes, it is certainly possible and in fact desirable to reconcile the collective bargaining rights and other rights that employees have in this system on the one hand with the very important rights and interests that parents have in making sure that their children have teachers who are as qualified as the kids on the other side of town, if you will.

It seems to me that the current draft strikes a good balance between that. It preserves the rights of teachers' unions to bargain collectively at the local level, while at the same time saying there is a Federal standard, and this is a civil rights standard. So if you go back, for example, to the desegregation cases, you find to this day, for example, many collective bargaining agreements incor-

porate the goals to have an equitable distribution of teachers based on race, for example, which were part of those Federal requirements. So we do think that the two can, should and need to be compatible.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Chairman MILLER. Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman.

Also to you, Ms. Piche. In your comments about local pilot programs, and I want you to know staff was involved in the development of that provision. And first of all, I will assure you, the farthest thing from anybody's mind is to allow local school districts to regress. And in that light, I mean, you characterized the program as sort of like well, these local school districts are going to get turned loose and have no accountability to anybody. And yet, in the draft, these programs have to be developed with the assistance of experts. They have to be peer reviewed. They have to be coordinated with State programs. And there is an audit provision, and the Secretary has to sign off on them. I can't understand that you think that there could be a significant regression with all of that accountability of those power programs.

Ms. PICHE. I appreciate your asking the question because this really goes to the heart to some of our very strong equity concerns about this draft. First of all, I would say that, under current law and since 1994, local districts have been able to—and in fact, the 1994 law really encouraged local districts to supplement the State's standards and assessments with their own measures, provided that they didn't dilute this very important statewide standard that applied to all students, rich and poor, suburban and rural. And we haven't seen a whole lot of that happening.

We would like to see more because many of the kinds of assessments that this bill and your draft would like to see at the local level are very important. And in fact, they take the whole technology of assessment one step further, the classroom embedded assessments. These are not things that we oppose. They are good for instruction. They are good for diagnosing student learning difficulties, and they are good feedback for teachers.

We do have a problem though, when you incorporate the results of those measures into the statewide AYP calculation. And our concerns are based on a long history of inequity. And our concerns are based on research that we did during the period of the Improving America's Schools Act when many districts and States were transitions from having their local standards and assessments to the statewide system. And we found there were huge disparities. In the chairman's home State of California, over 1,000 different districts had over 1,000 different standards and assessment systems. And we talked to people in the State education department, and honestly they had no way of assuring comparability, and that is what we really worry about. So if these assessments were additive to AYP, if these assessments were not in a position where some of the same people who—and systems who were being judged and therefore exposed to consequences were not in the position of scoring them, now I think we wouldn't be as deeply concerned.

And so I would hope that, going forward, there may be some opportunities to talk through some of these concerns and come to per-

haps some improvement in the draft that would provide teachers with a richer set of tools that they can use in the classroom without compromising the statewide standard.

Mr. YARMUTH. Thank you. That is very constructive.

Thank you, Mr. Chairman.

Chairman MILLER. Thank you. I just want to follow along on that point. Again, I find it hard that this pilot program is equated with sort of the fall of the American education system. And now you want to equate it with what existed sort of pre-1994, I would say more likely pre-2000. But somehow what is laid out in the legislation, given the process that Mr. Yarmuth just took you through, you suggested that let 1,000 flowers bloom wherever it happens. The two systems are entirely different, and they are additive to the system. I mean, nobody is throwing out the State system. It is a question of whether or not you want to make an effort to see what you can construct, an assessment system that is more helpful to developing the skills that, again, most of the people who rely on this education system tell us they think students are going to need.

That is far different than in my own home State of California where it was, "do whatever you want to do and nobody is paying attention to any of it." It seems to me those are two different systems. But we will work on that in the rest of the oversight of the draft. Thank you very much.

Mrs. Biggert?

Thank you. Any other questions? Thank you very much for your testimony and, again, for your help and support in getting us to this point. And we look forward to working with you.

The next panel will be from the Business Foundation and Innovation Panel: Mr. Jon Schnur, who will be from New Leaders for New Schools; Charles Harris, cofounder and executive partner of SeaChange Capital Partners; Nelson Smith, who is the president of National Alliance for Public Charter Schools; Josh Wyner, executive vice president, Jack Kent Cooke foundation; Sonia Hernandez Rodriguez, executive vice president of the National Farm Workers Services Center; John Castellani, who is the president of the Business Roundtable; Jim Kohlmoos, who is the president and CEO of Knowledge Alliance; and Mike Petrilli who is the vice president, National Programs & Policy, of the Thomas B. Fordham Foundation. If we can make the transition here from one panel to another as quickly as we might.

We will begin, Jon, as soon as we get the door closed here so we will make sure that we can all hear you. Jon, welcome to the committee. And as we explained to you, we will begin, 5 minutes. The yellow light will come on when then there is 1 minute left. We would like you to finish up, but we want you to complete your thoughts and impart the information that you think is important for us to hear at this stage of the process.

STATEMENT OF JON SCHNUR, CEO, NEW LEADERS FOR NEW SCHOOLS

Mr. SCHNUR. Thank you very much, Mr. Chairman, Mr. Kildee, members of the committee, for the opportunity to testify on this important topic. I am going to try to do two quick things in these 5 minutes. First of all, tell you briefly some data and experience from

our work with some 200,000 primarily low-income kids in 10 cities over the past several years and offer a couple of insights that have emerged from that experience. Second, advocate for why I believe from this experience it is so critical to enact the reauthorization of the ESEA No Child Left Behind this year and some reasons for that with some specific ideas for what working in this draft legislation as well as a couple recommendations for what could be renewed.

So New Leaders For New Schools, Mr. Chairman, when you came to New Orleans this spring and saw the schools there, and met with leaders from around the country, we are so appreciative of your engagement, as you know. We now have 400 leaders working in schools serving over 200,000 low income children in 10 cities across the country. Our focus is on high achievement for all kids with the focus on the principalship. We have seen from the research that no good school that has made dramatic change really has done that without an effective principal. There are two pieces of student achievement data that I will share with you that I think underscore the helpfulness of the direction of this legislation.

Three, first of all, there is a ground swell of support for the goals that this Congress has set around high achievement for every child. We have had 7,000 applicants for 400 slots, all of our new leaders this summer who started our training from across the country have passionately embraced the goal and signed contracts committing themselves to achieving the goal of 90 to 100 percent proficiency for children in schools that lead by 2013. They are passionate and thrilled that the country has come behind that as a pressing civil rights issue.

The second piece of data that I would offer is on achievement. Schools led by New Leaders principals, generally well trained, well recruited, are in fact making faster progress in academic achievement than the school systems that they are in. That is the good news.

Bad news, we are not comparing to a norm; neither are you. We are looking at, what is the dramatic progress that we need to get to the 90 to 100 percent success rates? When you look at it that way, of all the very well trained principals, only 20 percent of those schools are actually making the dramatic progress toward those goals that they need in order to get to those goals within 4 or 5 years of their principalship.

The good news is there are schools that are achieving these levels. When people say these are unrealistic, we can cite you school after school after school, New Leaders-led or otherwise that in fact is making dramatic achievement gains. Last year, the most improved schools in all of Sacramento and Chicago were New Leaders-led schools. There are public schools, district schools, charter public schools across the country that are achieving these successes.

Challenges, even when you have hard-working educators working very hard to achieve those goals, not all of them are making that. The question is, what do you do when you have got some progress but not enough progress to get to the goals that you have set?

I would argue the implication of this is that fast enactment of this act is crucial for three reasons. One, there is a sense in the

country that the Congress in the United States may be wavering about the belief that all of our kids can learn at high levels. There is a sense that the national government maybe waivers about the belief that all kids can read and do math at all grade levels. We see it in the schools. There is a lot of skepticism about that, despite evidence to the contrary. The first of the three reasons to think it is critical is for Congress on a bipartisan basis to send the message that this is not a short-term trend. This is a long-term commitment to quality education for every child, starting with reading and math proficiency but not ending there.

The second reason I think it is critical and that we have seen that it is critical is that there are some big flaws of No Child Left Behind, some big inadequacies, many of which this legislation addresses very effectively. And some of these are very much agreed on policies, but they have big implications for kids. If you don't pass this now, I worry that waiting 3 years—3 years is a long time to wait in the life of a child as well as for a country that is working toward achieving these goals for the country. For example, moving toward a growth measure of—toward progress over a period of time, most people here are sitting around the table saying, yes, this is a good measure.

In fact, in schools, the absence of that is causing very damaging effects. I have a key member on my team who was teaching recently, a couple years ago was teaching under No Child Left Behind in an urban school system. She encountered the story of a testing coordinator coming to her classroom in front of the students, in her class and around the school saying to the teacher, you need to pick two students to move to proficiency. If every teacher in a school can move two kids to proficiency, then we will meet our targets. That, as you know, is happening around the country.

So fast enactment of the right kind of growth model geared to proficiency is more important I believe than waiting another 3 years to resolve some differences that I really think can be resolved with the work that you and your teams have been doing.

The second big example of progress that needs to be made and big flaw in the current bill, I would argue—now there has been a lot that has been learned about this, so it is less a critique of what has happened but more of a need for what needs to be done now, the research is extremely clear, as you have recognized and led on, Chairman Miller. The most important in-school factor driving student achievement is the quality of teaching in the classroom. The second most is the quality of leadership at the school level. This bill is actually quite weak, unfortunately the current law is quite weak on driving dramatic changes in improvement of teaching quality and school leadership in our highest needs schools to help accomplish the goals that you have set out.

So I am thrilled that there are many provisions in a very powerful Title II draft that you and Ranking Member McKeon have put out there to address this. Number one, to attract teachers to the schools that need—where they need them the most is critical. Investing in professional development at the school level by paying master or mentor teachers more to provide the right kind of professional develop at the school level; improving the induction and preparation of new teachers and principals is critical, other provi-

sions from the Teach Act that were supported on a bipartisan basis. Formative assessments, every school we have seen making dramatic progress has principals and teachers making effective use of data through formative assessments which you have made a real priority for school improvement. There are many important priorities in this bill that I think are critical that we can't wait 3 years for these to help children benefit from.

I will close quickly by saying that our recommendations for improvement: One, Chairman Miller you provided terrific leadership on New Orleans, provided stop-gap incentives to help attract and retain teachers and leaders in New Orleans. I would recommend incorporating your renewal act into the No Child Left Behind reauthorization as well as providing support to rebuild and modernize the school buildings in New Orleans. The Federal goal is to help needy schools, and there are no more needy schools than in the City of New Orleans, and they have been waiting for a while.

The second recommendation is—I think there are some ways you can streamline the performance measures in AYP accountability. It kind of creates a third way between one side that wants just reading and math measures and one side that wants an endless list of input measures to say that there are a small number of outcome measures that ought to be used to hold schools accountable. I think there are ways of making that work without watering down accountability for reading and math. And my final recommendation will be on your Title II component to include a performance and evaluation plan that would basically ensure that all the competitive grant programs that you have got in Title II which we think are very good, that there is an active effort to learn from those to bring back comprehensive lessons learned to inform the next reauthorization 6 years from now. Thank you.

[The statement of Mr. Schnur follows:]

Prepared Statement of Jon Schnur, Chief Executive Officer and Cofounder, New Leaders for New Schools

Thank you so much for the opportunity to provide testimony to the Committee on Education and Labor today on the crucial and timely topic of reauthorizing and improving the Elementary and Secondary Education Act and NCLB in order to drive high achievement for every student. As the Chief Executive Officer and cofounder of New Leaders for New Schools, I am pleased to share a perspective grounded in our current work with 400 public schools and school leaders serving 200,000 mostly low-income students in over 10 cities across the United States—including Baltimore, Chicago, Memphis, Milwaukee, Newark, New Orleans, New York City, Oakland, Prince George's County, Sacramento, and Washington D.C.

First, my colleagues and I embrace the nationwide goals of No Child Left Behind and the Elementary and Secondary Education Act—grade-level proficiency for virtually every student in reading and math—as a crucial cornerstone of a quality education for every student. We salute bipartisan leadership—including the crucial leadership of this committee—for embracing these goals for the nation. There is actually a groundswell of support for these goals from educators nationwide. For example, we have had 15 times more applications than slots from educators and leaders wishing to become urban principals driven by a belief that every student regardless of background can achieve at high levels and a sense of urgency and personal responsibility that we as adults must close the achievement gap All of the "New Leaders" who began their training with us this summer have signed on to at least a six-year commitment and goals that (at a minimum) 90-100% of the primarily low-income students in the schools they lead will achieve grade-level proficiency in core academic subjects and that 90-100% of their high school students will be graduating by 2014. We are actively exploring adding a very small number of additional student

success goals such as dramatically increasing the percentage of low-income students at advanced levels and enrolling and graduating from college.

Like so many other educators across our nation, these instructional leaders are working every day to translate the goals of these important national initiatives into reality in low-income, urban schools nationwide—school by school, classroom by classroom and student by student. In most of our cities, students in schools led by our New Leaders principals for at least two years are on average making faster academic progress than comparable students in the school system—with the single-most-improved school in cities such as Chicago and Sacramento led by New Leaders principals. But outperforming the norm is not enough. That's why we are actively examining why only about 20% of New Leaders-led schools are

But neither our progress nor our limitations can distract us from the goal of a high quality education for every student. After all, while there are many different methods for how to teach children to read effectively and independently by the 3rd grade, our society and children cannot afford to question whether we should hold ourselves accountable for whether every child regardless of background learns to read effectively and independently by the 3rd grade.

I believe that the birthright to learn how to read, for example, shouldn't be a New York or Louisiana or California birthright—nor should it be a birthright only for a child who happens to be born in certain affluent communities. It should be an American birthright available to every child that walks in the door of any school in any of our communities anywhere across our nation. And yet today, a 3rd grader's ability to read, an 8th grader's ability to do algebra, and a 12th grader's ability to graduate from high school and choose a college or career is an accident of geography—usually due to family income and occasionally because a student happens to attend one of the tiny number of public (or private) schools where today we are achieving such successes with low-income students. The fact that these successes are happening in certain schools serving low-income students demonstrates that our children are capable of such success. The fact that taking these successes to scale is very hard, complex work—and that we don't have all of the solutions yet—should not diminish our commitment to our young people or our educators who are working tirelessly on what they rightly see as America's top domestic priority.

Second, achieving these goals requires a massive, long-term, and bipartisan national commitment to success and quick action this year by this Congress to reauthorize and improve ESEA and NCLB.

Achieving these goals also requires all of us to augment our institutional self-interests with a civic responsibility to candidly examine data and experience about our progress, our failures, and what it will take to succeed together.

Every generation faces a small number of imperative challenges and opportunities that will most affect whether we bequeath a stronger, fairer, and more successful society to our children and grandchildren. There is no greater challenge and opportunity for our generation that ensuring first-class, high quality public schools available to every student regardless of background, race, disability, native language, or income. Doing this and closing the achievement gap will require the same kind of generational, long-term commitments shown through the civil rights movement and our triumph over the Nazis. A close examination of data and experience shows we are dangerously far from achieving our goals (with for example a typical low-income 7th grader reading at the levels of a more affluent 3rd grader), but we have begun to make serious progress in some classrooms, schools and communities. A close examination of schools under NCLB shows some important strengths and limitations of NCLB as a tool to help all of our students succeed.

Fast reauthorization will help renew and signal broad, bipartisan commitment to crucial ESEA and NCLB goals that most of you share—and to build on important strengths in the legislation. For example, we continue to see too many people reject the proposition that virtually every student regardless of background can learn and achieve. We see too many people who quietly believe that a low-income child or child of color has less innate capacity to learn and achieve than their affluent or white peers. We see too many others who believe children regardless of background might have the capacity to succeed but that we don't have the capacity as adults to unlock that potential given all of the obstacles. Those beliefs persist in face of evidence from classrooms and schools to the contrary. And these beliefs represent some of the most pernicious and dangerous obstacles to our success. Reauthorizing ESEA and NCLB will demonstrate to educators, families, students, and others that the commitment to these goals—success for every student, holding schools and systems accountable for student progress, a laser-like focus on closing the achievement gap—transcends any particular party, President, or Congress.

Fast reauthorization will also address some agreed-on inadequacies in current law in order to better equip our students and educators to achieve our shared goals. For

example, current law does not make possible a universally available, high quality "growth model" where schools could be accountable for the rapid progress of actual (and all) students toward proficiency and above as opposed to the performance of a group of students just below the proficiency line one year compared to another group of students the previous year. Current law fails to focus adequately on scaling up what's working or how school systems and others can help build the capacity and tools of educators to achieve these goals—and especially in the lowest-income and lowest-achieving schools. And current law does not invest or focus adequately in high-quality assessments and accountability systems to prevent an excessive focus on (or create a glass ceiling of) test-preparation and basic skills.

It is my belief that other real, but solvable, disagreements among education advocates shouldn't keep Congress from building on these strengths and addressing these and other inadequacies. Failure to act this year likely means that students will wait at least three more years for recommitment to these goals and improvement of capacity and strategies to achieve them. Three years is a long time in the life of a child. And it is a long time in a nation with urgent and important goals for educators, students, families, policymakers and others to accomplish by 2014. Given these moral imperatives and our experiences and data, I believe it is of utmost importance that Congress reauthorizes the Elementary and Secondary Education Act and NCLB this year. The leadership of Chairman Miller, Congressman McKeon, and this committee have been and will continue to be absolutely crucial to make this happen.

Third, the evidence suggests that Congress should place a laser-like focus on supporting and investing in quality teaching and school leadership—especially in low-income urban and rural communities—to achieve our nationwide goals for student success. The evidence is very clear: the greatest in-school factor affecting student achievement is the quality of teaching in a student's classroom. And the second greatest factor is the quality and effectiveness of the principal. And while the evidence suggests that NCLB has very much helped to focus our nation, school systems, and schools on the achievement gap, it has not yet adequately equipped our teachers and school leaders to effectively solve it.

Studies have shown a difference of 50 percentile points among students who have had more effective teachers compared to those with less effective teachers over the course of three years. And studies have shown that nearly 25 % of the in-school factors affecting student achievement can be attributed directly to the quality and effectiveness of the principal. This is second only to the effects of teacher instruction—which is shaped by the way our most effective principals select, manage, and develop their teachers. And because principals select, train, manage, support, evaluate and teachers—and set the culture for the school—a teaching quality strategy can't be successful without an effective principal strategy.

The bottom line: the quality and effectiveness of school teachers and principals matters a lot to the future of our students and to the future of our nation.

In a world where there are no shortcuts to school success, a serious focus on supporting quality teaching and school leadership provides no silver bullet. But systematic efforts to drive the quality and effectiveness of

Translating this simple insight into effective policy and scalable practice is no easy task, and Chairman Miller and Congressman McKeon have thankfully made this a powerful priority in the draft discussion bill. Enacting the ideas embedded in the Miller-McKeon draft legislation would make a dramatic contribution to the capacity of our schools in our neediest communities to accomplish your goals for student success.

For example, I applaud the draft legislation's focus on:

• Attracting and retaining our most effective teachers and school leaders in our highest-need schools. The bill would provide crucial incentives to increase likelihood that effective teachers will remain in or come to high-need schools. As this week's Time Magazine notes, Chairman Miller provided crucial leadership along with Representatives Melancon and Jindal (as well as from Senators Landrieu, Kennedy, and Cochran) to ensure that Congress provided similar incentives in New Orleans and other communities hit hard by Hurricanes Katrina and Rita. It's making a difference in New Orleans and elsewhere. The focus on systems changes to attract and hire teachers and school leaders can make a big impact.

• Ensuring more school-level instructional support and feedback—including through master teachers, mentor teachers, teacher residencies and more. We have learned that professional development is a crucial investment to support our teachers and principals, and the most effective professional development is usually school-based and ongoing as opposed to one-shot sessions outside of the school.

• Improving the preparation of aspiring and novice teachers and school leaders in high-need schools. Investing in teacher and school leader residencies, merit-based

selection models, and ongoing coaching and support can help ensure the next generation of well-prepared teachers and school leaders for high-need schools and communities.

• Ensuring greater transparency and focus by states and school systems on the fair distribution of resources for teachers and school leaders in the highest-need schools. Conditioning Title II aid on state progress toward ensuring quality and effective teachers in our highest-need schools is an important idea. And it is very important in ensuring that high-need schools have at least their fair share of experienced and effective teachers and instructional leaders—and it is critical that more resources and professional development be available in our high-need schools given that most of our highest-need schools tend to have the most novice teachers.

• Investing in and scaling what's effective. This legislation includes important and innovative support to identify what's working in driving dramatic student achievement gaps and provide additional resources to help those successful efforts serve more students. Rarely do successful efforts get recognized and scaled. This legislation would do that, explain and share what's working, and build greater capacity among effective school systems and educators to continue their work and serve more students. I appreciate the leadership of Chairman Miller as well as Representative Carol Shea-Porter on this important effort.

It is not easy to balance the urgency of the need for effective principals at scale (especially in our highest-need schools) with the need to ensure that these reforms are implemented in a deliberate, high quality way. Too often, powerful ideas are lost to inadequate knowledge about how to bring ideas to scale, limited capacity, and well-intentioned but poorly planned implementation. As we consider solutions and strive to meet the urgent educational needs of children as quickly as possible, we must both identify how the federal government can be most effective in this work and recognize the current need for more research and development as well as learning on how to gain clearer knowledge, build capacity, and quickly scale effective efforts. This legislation manages to strike the right balance between these priorities—including providing the kind of R &D that would be supported in human capital efforts through a number of innovative, competitive grant programs.

I have three major recommendations for improving this legislation. First, I recommend that the MillerMelancon-Jindal RENEWWAL legislation be incorporated into this reauthorization to ensure additional support to ensure effective teachers and school leaders in New Orleans and other communities hit hard by Hurricanes Katrina and Rita. I also recommend that reauthorized ESEA and NCLB provide New Orleans and these communities with crucial support to help rebuild and modernize school facilities—and work with others in Congress to amend the Stafford Act to remove bureaucratic obstacles that currently require FEMA to only fund the rebuilding of low-income schools to atrocious pre-Katrina standards. This is an opportunity to modernize and rebuild school buildings to post-Katrina standards of excellence not pre-Katrina standards and specifications that went hand-in-hand with the historic poor performance of the New Orleans schools.

The next 12 months represent a crucial inflection point for the city of New Orleans and other communities hit hard by these hurricanes—and the fate of the public schools will be a crucial factor affecting the success of these communities. This year is the crucial time to ensure that these communities have the teachers, school leaders, and investment in facilities they need to succeed. This year is when the direction of these schools and communities will be set for years and decades to come.

Second, I recommend streamlining the provisions on performance measures to ensure transparency and accountability on a small set of important, measurable outcomes such as high school graduation rates, college enrollment, and improved success on AP and IB assessments without reducing accountability and support for reading and math proficiency. I think that a solution can be found that ensures a focus on this broader set of rigorous student success outcomes that matter to students, business, and our society without diminishing crucial accountability and support for reading and math proficiency. I'd be happy to discuss ideas for doing this after the panel has finished providing testimony. These differences can be reconciled. I strongly encourage you not to let the vital, speedy reauthorization of ESEA and NCLB be slowed by what are truly solvable differences on these issues.

Third, I recommend instituting a greater investment and focus on the evaluation and performance-orientation of many of the human capital initiatives in the discussion draft of Title II. In my view, the competitive grant programs outlined in this legislation can provide important R &D for how to ensure successful teaching at greater scale. But they will only maximize their intended impact if there is:

• a rigorous evaluation of all programs funded by these initiatives,

• continued funding for only those programs that demonstrate progress in student achievement, and

• a research plan and strategy for reviewing the findings across programs to ensure that there are lessons learned and recommendations for an even broader focus on human capital that can inform the next ESEA reauthorization 6-7 years from now.

Thank you again for the opportunity to share these perspectives and recommendations with you. My team and I are happy to work with you and your staff in any way that might be helpful to inform your continued deliberations on this vital topic. Thank you for your leadership on these issues—your speedy work on the reauthorization of ESEA and NCLB can make a profound impact on our children, schools, and nation.

Chairman MILLER. Thank you.

Mr. Harris.

STATEMENT OF CHARLES HARRIS, CO-FOUNDER AND EXECUTIVE PARTNER, SEACHANGE CAPITAL PARTNERS

Mr. HARRIS. Mr. Chairman, members of the committee, thank you so much for the opportunity to testify about the vital importance of reauthorizing No Child Left Behind.

A brief introduction on my own background might provide some helpful context. I am not an educator by training or practice. I spent the bulk of my career as a corporate finance partner at Goldman Sachs where I arranged financings and mergers and acquisitions for a large number of corporations across a broad array of industries and where I served as a leader of the firm-wide committee that assessed the risks and rewards of specific underwriting transactions. We got some of those right.

Over the years, I have also been active as a philanthropist in the field of education involved with expanding pre-K to higher education. In 2002, I decided to invest my time as well in pursuit of the improvement of educational opportunity and practices. With advice and input from a number of highly regarded foundations and individual philanthropists, this work lead me to join my former Goldman Sachs partner, Robert Steel, who is currently serving as Under Secretary of the Treasury for Domestic Finance, in founding a nonprofit financing organization called SeaChange Capital Partners.

The mission of SeaChange Capital Partners is straightforward. While there are many innovative and effective ventures in education, there are also many that lack the funding to grow to a scale where they can significantly improve the landscape of American education. We intend to serve as a matchmaker between selected proven nonprofit programs in the ample and growing philanthropic resources of the Nation. We will identify the programs, perform in depth due diligence, work with management to market the programs to a nationwide philanthropic network, ranging multi-million dollar, multi-year rounds of financing to fuel their growth, much in the same manner that outstanding business organizations finance their expansion.

Numerous studies have shown the cost of financing in the nonprofit sector far exceeds the cost in the for-profit sector. We believe that by adapting financing techniques as appropriate to the social sector, we can realize real efficiencies. Once we complete the fundraising for our own operations, our goal during our initial 3 years is to arrange $100 million in growth capital financing at a cost much lower than is generally the case for nonprofits.

Happily, Goldman Sachs has agreed to provide a portion of our start-up capital and to support us with human capital as well. I am also pleased to report that we are far from alone in this effort. Many in the private sector have recognized the growth capital problem. Our general purpose is the same as the bringing success to scale concept in the draft legislation to assist the most effective programs in reaching many more of our young people. In joining this effort, we won't be speculating. Instead, we will rely on intensive research to find the organizations that have a common set of core characteristics, strong missions, well-developed programs, talented management teams, compelling results in their work to date, a commitment to measuring what they do and adjusting their work based on what they have learned from the data and, importantly, well-crafted strategies for growth. I would like to emphasize that we will be selecting operating organizations for this financing, not simply effective program elements.

Mechanisms to evaluate impact on academic achievement already exist. I believe it is critical for the Federal Government and the private sector to collaborate to identify what works best and to bring the substantial financial resources required to these efforts. I believe that NCLB is bringing success to scale and, when instituted, will allow the private sector's philanthropic contribution to mesh with the government's effort in a unified and collaborative way with evaluation methodologies and matching funding provisions that will appeal to private philanthropists.

One other point from the draft that I would like to address. As a person who spent his business career using data to measure progress and make decisions, I believe we should not abandon the useful standardized assessment that NCLB has put in place at the State level. I applaud your decision to include a variety of new measures as well that I believe will do a better job of giving us all clearer insight into how a school is performing.

You have included college enrollment rates as one of your new measures. Through my work with the national organization based here in Washington called College Summit, I have seen firsthand how a commitment to tracking the college enrollment rates of graduating seniors in high schools in low-income communities when combined with programming to build the school's capacity to assist these students in the transition from grade 12 to 13 is significantly enhancing college-going in these communities.

Since then—I know a number of people have said this today. Since high school graduation cannot be considered an end to itself today, I believe the Federal Government should consider a high school's trend in college enrollment an important supplemental measure of adequate yearly progress in that school. As with other measures of progress, it is no surprise that superintendents and principals are more likely to be successful in meeting goals for which they have been held accountable and for which the data is public. I hope that my perspective from the private sector will help persuade you all of the importance of supporting bringing success to scale and also the advisability of adding college enrollment trends as an additional measure of a high school's success. Thank you.

[The statement of Mr. Harris follows:]

Prepared Statement of Charles T. Harris III, Co-Founder and Executive Partner, Seachange Capital Partners

Mr. Chairman and Members of the Committee, thank you for this opportunity to testify before you today about the vital importance of the reauthorization of the Elementary and Secondary Education Act, better known as the No Child Left Behind Act.

Background

A brief introduction to my background may provide some helpful context for my testimony today. I am not an educator by training or practice. I spent the bulk of my career as a corporate finance partner at Goldman Sachs, where I arranged financings and mergers and acquisitions for a large number of corporations across a wide array of industries, and where I served as a leader of the firmwide committee that assessed the risks and rewards of specific underwriting transactions.

Over the years I have also been active as a philanthropist in the field of education, involved with programs spanning pre-K to higher education. In 2002 I decided to invest my time as well in pursuit of the improvement of educational opportunity and practices, with advice and input from a number of highly regarded foundations and individual philanthropists. This work led me to join my former Goldman Sachs partner Robert Steel (currently serving as Under Secretary of the Treasury for Domestic Finance) in founding a nonprofit financing organization called SeaChange Capital Partners.

SeaChange and "Bringing Success to Scale"

The mission of SeaChange Capital Partners is straightforward: while there are many innovative and effective ventures in education, there are also many that lack the funding to grow to a scale where they can significantly improve the landscape of American education. We intend to serve as a matchmaker between selected, proven nonprofit programs and the ample and growing philanthropic resources of the nation.

We will identify the programs, perform in-depth due diligence and work with management to market the programs to a nationwide philanthropic network, arranging multi-million dollar, multi-year rounds of financing to fuel their growth, in the same manner that outstanding business organizations finance their expansion. Numerous studies have shown that the cost of financing in the nonprofit sector far exceeds the cost in the for-profit sector. We believe that by adapting financing techniques from the for-profit sector, as appropriate, to the social sector, we can realize real efficiencies. Once we complete the fundraising for our own operations, our goal during our initial three years is to arrange $100 million in growth capital financing at a cost much lower than is generally the case for nonprofits.

Goldman Sachs has agreed to provide a meaningful portion of our startup capital and to support us with human capital as well. I'm also pleased to report that we are not alone in this effort; many in the private sector have recognized the growth capital problem.

Our general purpose is the same as the "Bringing Success to Scale" concept in the draft legislation: to assist the most effective programs in reaching many more of our young people.

In joining this effort, we will not be speculating. Instead, we will rely on intensive research to find the organizations that have a common set of core characteristics: strong missions; well-developed programs; talented management teams; compelling results in their work to date, a commitment to measuring what they do and adjusting their work based on what they learn from the data, and well-crafted strategies for growth.

Mechanisms to evaluate impact on academic achievement already exist. I believe it is critical for the federal government and the private sector to collaborate to identify what works best and to bring the substantial financial resources required to these efforts. I believe that NCLB's "Bringing Success to Scale", when instituted, will allow the private sector's philanthropic contribution to mesh with the government's efforts in a unified and collaborative way.

College Enrollment Rates as a Measure of High School Success

As a person who spent his business career using data to measure progress and make decisions, I believe that we should not abandon the useful standardized assessments that NCLB has put in place at the state level. I applaud your decision to include a variety of new measures that I believe will do a better job of giving all of us a clearer insight into how a school is performing. You've included college enrollment rates as one of your new measures. Through my work with a national organization based here in Washington, called College Summit, I have seen first-

hand how a commitment to tracking the college enrollment rates of graduating seniors in high schools in low-income communities, combined with programming to build the schools' capacity to assist these students in the transition from grade 12 to 13, is significantly enhancing college-going in these communities. Since high school graduation cannot be considered an end in itself in today's hypercompetitive economy, I believe the federal government should consider a high school's trend in college enrollment an important supplemental measure of adequate yearly progress in that school, as set forth in the draft NCLB legislation. As with other measures of progress, it's no surprise that superintendents and principals are more likely to be successful in meeting goals for which they are held accountable and for which the data is made public.

Closing

I hope that my perspective will help persuade you of the importance of supporting "Bringing Success to Scale" as a way to spread effective practices in public education, and of the advisability of adding college enrollment as an additional measure of a high school's success.

Thank you for inviting me to testify today.

Chairman MILLER. Thank you very much.

Mr. Smith.

STATEMENT OF NELSON SMITH, PRESIDENT, NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS

Mr. SMITH. Thank you, Mr. Chairman, and members of the committee. I appreciate being asked to join this august panel today. I am Nelson Smith. I am president of the National Alliance For Public Charter Schools, which is the national nonprofit representing all sectors of the charter school movement.

I want to first take a moment to commend the committee for the very open and transparent approach in this reauthorization. I know that you have talked to a lot of people, and part of what I want to say today is really a response to some of what you have heard. You have my written testimony. So I will just summarize and talk very briefly about a couple of points. First of all, the national charter community very strongly supports No Child Left Behind. It has done so since it was passed in 2002. This is based on a lot of conversations we have had with folks in the field. What is most appealing is the combination of the high standards for all children and the disaggregation of data, which has revealed some troubling achievement gaps that you have heard about this morning.

If there is one great mission for public charter schools, it is closing those achievement gaps. We want to commend the committee, first of all, for the draft on Title V, which incorporates the provisions for the Federal Charter Schools Program. This is a very solid well-managed program that over the last decade has been an immeasurable support to the growth and the quality and numbers of charter schools around the country. This draft expands the growth of high quality public charters. It will strengthen accountability, and particularly, it will broaden replication on a nationwide basis of effective charter models that work. And we think that this is a perfect corollary to the broader goals of No Child Left Behind. When you identify schools in need of improvement, when you have identified students that need other choices, you need to have a supply of healthy new public school options to give those parents. So we applaud your work on Title V and the Charter Schools Program.

As you know, charter schools are public schools. And therefore, they are also subject to the accountability provisions of Title I, and I would like to just take a moment and summarize what is in the written testimony about at least one and perhaps two aspects of Title I. We have some misgivings about a subject you have already heard about this morning, that is the question of multiple indicators in addition to reading and math for measuring schools. We know that you have heard from a lot of districts and particularly individual schools around the country, some of them charter schools, that we think it is unfair to be held accountable for one snapshot of test score results. And that is a legitimate issue, and we very sympathetic to that. We are very glad that you have heard that message. And we are also glad by the way that you have taken a very serious approach to trying to respond to it. Multiple indicators could mean a lot of things, a grab bag of possible indicators. But what is in the draft is actually a pretty serious set of rigorous measures that could be added onto reading and math.

The problems that we had with the approach are three. First of all, I think, as you have heard from other panelists this morning, there is no way around the fact that this is going to some extent vitiate commitment to reading and math as the cornerstone indicators of whether students are being prepared for the economy and for productive adult life; if you reduce it as much as 25 percent, the impact that reading and math has on adequate yearly progress.

Secondly, a point that hasn't been made except sort of tangentially this morning is that the complexity that you will encounter, and that schools and parents and States will encounter if indeed they take this option of broadening the number of indicators. I have here a chart from one of our most successful public charter schools here in D.C. And if you are a parent or a policymaker and you want to know how they are doing in reading, you might go to the public charter school's Web site and you would see this chart. This is just the AYP's measures on reading. There are 108 different cells in this chart. I know the committee members can't see them, but this is what is referenced in our testimony. And it is not linked there.

Let's say a State takes you up on the addition of multiple indicators, as good as they might be. You will add perhaps several hundred more cells. You also have to have somewhere an explanation of the various weightings that are given to the core measures and the multiple indicators, measures. So we think this is especially for parents but especially also in terms of the paperwork and reporting burdens for small schools, many of which are charter schools, and for their authorizers some of which are not local education agencies and do not otherwise collect this data. We think this mitigates against the approach. And finally, I want to say that you have kind of solved the problem elsewhere in the draft. And I want to draw your attention to this connection. The draft has a very sound approach toward using growth models as a component of adequate yearly progress. If you have a solid student level longitudinally linked growth model that gives you achievement data over time and shows the impact of schools on the development and learning of that student as he or she moves around, you then are not relying on a single snapshot from a single day of a single set of tests. You

are relying on a much, much broader picture of what the actual impact of schools is on that student as opposed to whatever the school brings from family or prior educational experiences. So given that you have largely solved that problem, we would strongly suggest that that be considered the answer to the snapshot problem. There are other aspects of this that I would take some more time for, but I see the red light is on. It is all in the written testimony. I would be happy to take questions afterwards. Thank you.

[The statement of Mr. Smith follows:]

Prepared Statement of Nelson Smith, President, National Alliance for Public Charter Schools

Mr. Chairman, Ranking Member McKeon, and members of the Committee, good afternoon. Thank you for the opportunity to testify today on recommendations to improve the Elementary and Secondary Education Act. I am Nelson Smith, President of the National Alliance for Public Charter Schools (the Alliance), a nonprofit organization representing all sectors of the national charter school movement.

Background: A Commitment We Share

In 1965, President Johnson signed into law the Elementary and Secondary Education Act (ESEA). Subsequent reauthorizations have seen changes in the name and scope of this groundbreaking law, but its goals have always remained the same: improving public schools for our nation's most underserved children. An overwhelming number of public charter schools subscribe to this same philosophy, and these independently operated public schools today serve a higher percentage of poor students, minority students, and English language learners than traditional public schools.

The federal government has played a critical role supporting the growth of public charter schools. Initially created in 1995, when only seven states had charter laws and just 60 schools operated in the country, the federal Charter Schools Program has been instrumental in propelling public charter school growth. Currently, there are over 4,000 charters schools enrolling over 1.14 million students in 40 states and the District of Columbia.

As public schools, charters are open to all students, regardless of income, gender, race, or religion. Like other public schools, charter schools receiving federal money fall under the purview of the No Child Left Behind Act (NCLB). While there are certain programs that only impact them, charter schools are required to operate under many of the same NCLB requirements as traditional public schools.

No legislation is easy to craft, and reauthorizing a bill as large and complex as NCLB is particularly difficult. The Alliance commends the Committee and its staff for their hard work on this discussion draft, and more broadly, for the open and transparent manner in which the reauthorization effort is being managed.

Title I and the Accountability System

No federal education program has had as broad an impact as Title I. NCLB pushed its effect even further by striking a new accountability bargain. In exchange for Title I funding, schools must work towards universal student proficiency by 2014, the first year a class would graduate after having spent their entire K-12 education career under NCLB's requirements. This bargain relies on a complicated but manageable Adequate Yearly Progress (AYP) measurement. States set their own standards and proficiency goals, and are required to administer yearly reading and math tests in grades three through eight and one grade in high school. Schools are required to report the progress of subgroups of students via race and ethnicity, economic status, disability level, and language proficiency. For schools and districts to make AYP, tested students have to meet certain increasing percentages of proficiency as well as test participation goals.

Despite the complexity of this approach, the national charter community has strongly supported NCLB, particularly because its accountability rules have laid bare the troubling gaps in achievement between groups of American students. If there is one great goal of our movement, it is closing those gaps and providing high quality education for all students.

As we all know, the 2002 Act has flaws. By relying on end-of-year "snapshots" of average proficiency levels, it fails to acknowledge that students often enter schools with skills far below grade level, or to recognize schools that make significant student-level gains but fall short of the AYP bar. The current system contin-

ually forces states to push for higher absolute achievement levels, but fails to measure or credit student progress toward those increasingly challenging summits.

We have strong empirical evidence from studies in three of the largest chartering states (Florida, California, and Texas) that charter school students typically enter our schools behind their peers in academic performance. As the AYP threshold rises, charter and other public schools that actively recruit low-performing students will likely be labeled "in need of improvement" even if they achieve substantial annual gains in student achievement, creating a huge disincentive to create schools that serve the nation's most disadvantaged students.

To remedy these problems, the current discussion draft includes a well-crafted growth model that will reward public schools across the country for their actual effect on individual students. Moreover, it will recognize those schools that barely missed making AYP, but clearly produced impressive academic results.

The discussion draft also requires states to develop longitudinal data systems capable of tracking individual student results and linking those results back to individual teachers. This information will help identify truly effective teachers and inform policy makers in future discussions about teacher qualifications.

While there are many positive aspects about the draft's proposed accountability system, there are three areas that deserve reconsideration.

Multiplying Complexity. First, the draft allows states to use multiple indicators for determining AYP, partially substituting these indicators for the law's current requirements for proficiency on reading and math tests. We know that the Committee has faced enormous pressure to include additional indicators, and appreciate your effort to include rigorous measures. However, we are concerned that the complexity of the proposed approach outweighs its potential benefits. States adding new indicators will surely become embroiled in the same disputes over measurement and reporting that have marked the first five years of NCLB. The burden of data collection will be multiplied for all public schools, but will weigh especially heavily on charter schools and their authorizers.

Besides diluting focus on the paramount objective of reading and math proficiency, the proposed system would greatly complicate achievement reporting, a hallmark of the current NCLB. For instance, for one charter school here in Washington, D.C., there are 108 cells in its reading report card alone.[1] Under the proposed system, parents could receive report cards with several hundred additional cells—not to mention explanations of weighting formulas for counting math and reading test results as 75% of AYP and the new indicators as 25% of it, as the draft allows.

More to the point, multiple indicators simply may not be necessary. The primary shortcoming of NCLB's current approach to AYP—and the source of much current criticism of the Act—is that by relying on one-day test "snapshots," it may identify for improvement schools that are actually making substantial progress but fall short of absolute proficiency standards. By allowing states to consider growth measures in AYP, the draft largely resolves this problem.

Restricting Choice. A second source of controversy in the 2002 Act is that the accountability system treats all schools that don't make AYP the same. A school that misses AYP in only one subject for one subgroup should be treated differently than a school that misses in almost all subjects for just about every subgroup. The need for a system that recognizes these differences has been broadly endorsed by the Administration, the Aspen Commission, and other groups.

However, the discussion draft responds by creating a two-tiered system for categorizing schools that don't make AYP for two consecutive years. For schools that don't make AYP for the next two years, it creates another two-tiered classification system. Apart from the complexity of this approach, and the real possibility of arbitrary judgments by school districts, the interventions proposed for schools in the various categories differ dramatically. The net result would deny parents and families the new opportunities they were guaranteed in the 2002 Act.

Currently, if a school does not make AYP for two consecutive years or more, it must offer all of its students the option of transferring to a higher-performing public school, including a charter school. The new system would require a smaller number of struggling schools to provide this option. We recommend that the draft be changed to require that all schools that fail to make AYP for two years or more must continue to offer public school choice to all of their students.

Keeping the Loophole Closed. Finally, with respect to the proposed rules on restructuring, there is good news and bad news in the draft. Currently, if a school does not make AYP for six consecutive years, it faces a range of consequences in-

[1] Capital City Public Charter School, 2006 AYP Report: *http://www.dcpubliccharter.com/nclbayp/allreports/capcitynclbayp.pdf*

cluding contracting, state takeover, and closure/reopening as a charter school. The impact of this provision has been severely limited by a loophole that allows districts to pursue "any other major restructuring of a school's governance arrangement," which has been by far the preferred option and resulted too often in cosmetic changes. We applaud the Committee for closing this loophole, but we caution that the proposed new rules will create an even larger one. Schools that chronically fail students must be an urgent priority, period. Allowing districts and states to put them on "List B" and then merely suggesting a set of remedies will simply replicate the sorry record of the past five years.

Title II and Highly Qualified Teachers

The quality of a student's teacher is the most important controllable factor impacting a student's achievement. If a student has highly effective teachers year after year, a bright academic future is likely. Conversely, several consecutive ineffective teachers can cause serious harm to a student's potential.

The No Child Left Behind Act took some important first steps on the teacher quality issue, attempting to ensure a highly qualified teacher (HQT) for every student. However, the law's definition of a highly qualified teacher focused more on inputs such as degrees and certifications than on classroom effectiveness.

For charter schools, NCLB explicitly defers to state charter law regarding certification requirements. If a state does not require any charter teachers to be certified, NCLB does not impose that additional mandate. Fortunately, the discussion draft keeps this provision.

In other areas, however, the discussion draft maintains aspects of the current law that make innovation difficult not only in charter schools, but in any small school—a point recognized in the U.S. Department of Education's recent rulemakings regarding HQT rules in rural schools. For example, the list of core academic subjects for which NCLB's teacher requirements is applicable is long, and demonstrating subject-matter competency in multiple subjects can be time-consuming and burdensome for teachers (and expansive for schools). These requirements are particularly problematic for high schools using project-based or other interdisciplinary methods. Teachers in such innovative high schools should be allowed to demonstrate their abilities in a manner consistent with the environment in which they teach.

The Alliance recommends that NCLB provide broader latitude to states in defining teacher quality, including allowing states to define core subjects. It should also encourage states to focus on teacher effectiveness instead of input-based qualifications. This shift will be facilitated by the move to an accountability system that includes student-level growth data, which should be the foundation for the definition of a "highly effective teacher."

Title V and the Charter Schools Program

In the last 20 years, few education reforms have been as successful as charter schools, which have provided thousands of new public school choices to children and families who need them the most. While many public school districts around the country struggle to maintain their current students (particularly in inner cities), charter schools have grown exponentially since 1992, and demand continues to grow. We estimate that there are over 300,000 students on charter schools waiting lists.

The federal Charter Schools Program (CSP) has been an invaluable and well-managed contributor to the success of the charter school movement. The program has provided much needed financial assistance to charter schools to cover start-up costs.

Over the past two years, the Alliance has engaged in a nationwide dialogue with charter school operators, key stakeholders, and other supporters to consider what changes ought to be made to enhance the program. The discussion draft incorporates many of the most important suggestions from the field, which we deeply appreciate.

- First, while helping charter school start-ups remains the foundation of the CSP, the draft also provides greater support for the expansion and replication of successful charter models. In particular, the draft allows more than one CSP grant per recipient and permits charter support organizations to receive grants to undertake expansion and replication activities. We emphasize that enabling the growth of high-quality charter schools is a crucial corollary to the other goals of NCLB. Parents must have an expanding array of solid new public-education options in communities where their children are disserved by the traditional system.
- Second, the draft strengthens the priority criteria by which the Secretary of Education may award grants to states. An ideal state charter school law encourages growth and quality as well as a high degree of school autonomy and accountability. To motivate states to adopt the ideal law, the draft adds priorities to encourage the

creation and support of non-district authorizers, the strengthening of charter school autonomy and accountability, and the provision of equitable funding to charter schools.

• Third, the draft strengthens the administration of the CSP by allowing charter school authorizers to serve as grant administrators in addition to state education agencies (SEAs). In some states, the SEA may be the best organization to manage CSP funds. These SEAs have involved their state's public charter school leaders in the administration of their grants and in developing programs that reflect their state's specific needs. In states where SEAs have fallen short in administering (or even applying for) the program, however, accountability will be enhanced by allowing charter school authorizers to compete for the CSP grant administrator role.

• Fourth, the draft allows the Secretary of Education to allocate funds as needed between the Charter Schools Program and State Facilities Incentive Grants Program. Despite the continuing growth of public charter schools, the CSP funding level has been relatively stagnant for the past five years. This funding challenge is further exacerbated by the reservation of up to $100 million in new CSP funds for the State Facilities Incentive Grants Program. By granting discretion to the Secretary, the draft allows for federal appropriations to respond to the needs of the states, recognizing that in certain years more money will be needed for the CSP, while in other years more money will be needed for the State Facilities Incentive Grants Program.

• Fifth, the law creates a national dissemination program. As charter schools continue to grow, the best practices developed in these innovative public schools must be disseminated to all other public schools. Previously, the CSP's dissemination activities were primarily state-focused. As proposed by the law, a new national dissemination program will encourage the sharing of charter schools' best practices among public schools across the nation.

• Finally, the draft incorporates reauthorization of the Credit Enhancement for Charter School Facilities Program, an important vehicle for encouraging private sector investment in charter school facilities. This change will enhance administrative efficiency in the overall charter schools programs.

Conclusion

Few pieces of federal legislation have as far-reaching and important an impact on this nation's disadvantaged students as the Elementary and Secondary Education Act. As custodians of this legislation, it is vital that the Committee ensure reauthorization happens in a timely manner this year.

NCLB 1.0 was clearly a momentous step in the right direction for American education. However, too many of our most vulnerable children still remain in struggling schools. As the Committee works to create NCLB 2.0, we urge that you put much stronger emphasis on creating new, high quality public charter schools where they are most needed—schools that will foster radically higher academic achievement for children who are still, today, left behind.

As you move forward with your markup, I hope you will look to the National Alliance for Public Charter schools as a resource in your discussions. I want to again thank the Committee for inviting me to testify today.

Chairman MILLER. Mr. Wyner.

STATEMENT OF JOSH WYNER, EXECUTIVE VICE PRESIDENT, JACK KENT COOKE FOUNDATION

Mr. WYNER. Thank you Chairman Miller, other distinguished members of the committee. I am pleased to be here today to discuss a population previously ignored in Federal education policy and underserved in our Nation's schools; that is, the 3.4 million American students who are overcoming challenging socioeconomic circumstances to excel academically. Today, the Jack Kent Cooke Foundation and Civic Enterprises are pleased to release this report, "Achievement Trap: How America is Failing Millions of High Achieving Students From Lower Income Backgrounds."

This report contains new and original research regarding the educational experiences of high-achieving lower-income students from first grade through graduate school. Our research comes from

20 years of longitudinal data from three Federal databases. It examines the experiences of students who perform in the top quartile on nationally standardized academic assessments in those databases and are from the bottom half of the national income distribution. I am here today to discuss our research findings as they relate to a very important concept being considered by this committee, whether Federal education law should measure not only schools—should hold schools not only accountable for the academic growth of students at proficiency but also those students who are performing at advanced levels. In other words, how do we close the gap at the high end of achievement?

We view as essential two ideas in this draft bill. One, that schools should be held accountable for the number of lower-income students achieving not just at proficiency but also at advanced levels. And secondly, that schools should be held accountable for the number of lower-income students who pass IB and AP exams. And that additional high quality AP and IB courses be made available in high schools with high concentrations of low-income students. A brief summary of four of the key research findings from our report will demonstrate why we view these measures as so important. Our first finding, there are a lot of these extraordinary students across America. In the 6 years that I have been doing this work and the Jack Kent Cooke Foundation has been working with these students, we are frequently met with the idea that there aren't a lot of low-income kids who achieve at high levels. This report refutes that. There are 3.4 million students by our estimation in our Nation's K-through-12 schools today who score in the top economic quartile even though they are from families below the national median. That is greater than the population of 21 individual States. More than a million of these students are eligible for reduced and free lunch.

Second finding, these students are everywhere, and they reflect the racial diversity and the diversity overall of America. When they enter first grade, these students are in urban, suburban and rural communities in numbers that are proportionate to the overall first grade population. The same is true of gender. They are boys and girls in numbers equal to the overall first grade population. And perhaps most importantly, they are black and white, Hispanic and Asian in numbers that are proportionate to the overall racial and ethnic population of American first graders. In other words, what happens to these students is not an issue for any one of us or an interest group issue; it is an issue for all of us.

Third finding, high-achieving lower-income students disproportionately fall out of the high-achieving group during both elementary and high school. What did we find in this respect? I think in elementary school it is most dramatic. Nearly half of the students who are from lower-income brackets who are performing in the top quartile in reading at the beginning of elementary school fall out by fifth grade. Nearly half of those students. In high school, it is about a quarter of students who enter eighth grade performing at the top quartile. They are falling out of the top quartile by 12th grade in math.

In both cases, upper-income students do much better than lower-income students. So if you are a high achiever, it matters what

your income level is in terms of your ability to maintain that high achievement level. Our final finding, lower-income students with high potential rarely rise into the top quartile of academic achievement. Specifically, the percentages are somewhere between 4 and 7 percent in both elementary school and high school of students from the bottom income half who can actually rise during those periods into the top quartile of achievement on either reading or math. If you look at that for higher-income students, the numbers are at least twice that rate.

We do not believe importantly that the interests of these students, that the needs of these students should be pitted against students who are below proficiency. Advanced students and students below proficiency who are from lower-income backgrounds are facing the same kinds of challenges. They are not being served adequately in our schools. We work with a lot of these students at the Jack Kent Cooke Foundation, and one student we have been working with for the last 6 years from rural Oregon I think said it best.

He said, there are a ton of smart low-income students in this country who don't have someone to speak for them, no one to get them the programs and enrichment they need. In modern society, we tend to associate monetary gains with success. And sadly, with this paradigm, we often fail to recognize that academic talent which rests within lower-income students.

It is our view that we should continue to work to close the proficiency gap as No Child Left Behind has worked so hard to do and the education department of this committee has worked so hard to maintain in the current draft bill that you have before you. But that struggle has to be accompanied by a concerted effort to promote high achievement in the low-income population as well.

Unless we do so, many more of America's brightest students will meet the same educational fate that we have seen in the research for our report. So we are encouraged by the efforts of this committee to change that, to broaden the current focus on proficiency standards in No Child Left Behind and to establish policies and incentives that expand the number of lower-income students who achieve at advanced levels. Thank you.

[The statement of Mr. Wyner follows:]

Prepared Statement of Joshua Wyner, Executive Vice President, Jack Kent Cooke Foundation

Good morning, Chairman Miller, Ranking Member McKeon, and other distinguished members of the committee.

I am pleased to be here today to discuss a population previously ignored in federal education policy and underserved in our nation's schools: the 3.4 million American students who are overcoming challenging socioeconomic circumstances to excel academically.

Today, the Jack Kent Cooke Foundation and Civic Enterprises are releasing this report, Achievement Trap, which contains new and original research regarding the educational experiences of high achieving, lower-income students from first grade through graduate school.

Our research comes from 20 years of longitudinal data from three federal databases. It examines the experiences of students who perform in the top quartile on nationally standardized academic assessments and are from families in the bottom half of the national income.

We are here today to discuss our findings in the context of No Child Left Behind reauthorization, in particular because they relate to an important concept being considered by this committee—whether federal law should measure and hold schools

accountable for the academic growth of every student, including those performing at advanced levels.

We view as essential two provisions in the draft bill:

• That schools should be held accountable for the number of lower-income students achieving not just proficiency but also at advanced levels and

• That schools should be held accountable for the number of lower-income students who pass international baccalaureate and advanced placement exams.

A brief summary of four of our key research findings will demonstrate why we view such measures as so important.

First, there are lots of these extraordinary students across America.

• There are 3.4 million students in our nation's K-12 schools today scoring in the top academic quartile even though they are from families earning below the national median.

• This population is greater than the individual population of 21 states.

• More than a million of these students are free and reduced-lunch eligible.

• In other words, what happens to high-achieving lower-income students is a substantial education policy issue.

Second, these students are everywhere and reflect the diversity of America.

• They are in urban, suburban, and rural communities in numbers proportionate to the overall population.

• They are black and white, Hispanic and Asian, and boys and girls in numbers that are proportionate to the overall racial and ethnic population in America.

• In other words, what happens to high-achieving lower-income students is not an interest-group issue; it is about all of us.

Third, high-achieving lower-income students disproportionately fall out of the high-achieving group during both elementary and high school. Specifically, we found that

• Nearly half of the lower-income students who achieved reading scores in the top quartile in first grade fell out of the top quartile in reading by fifth grade.

• In high school, one quarter of the lower-income students who had top-quartile math scores in eighth grade fell out of the top academic quartile by twelfth grade.

• In both cases, upper-income students maintained their places in the top quartile of achievement at significantly higher rates than lower-income students.

And finally, lower income kids with high potential rarely rise into the top quartile of achievement. Specifically, we found that * * *

• Only between 4% and 7% of students from lower-income families rise into the top academic quartile during elementary school and high school.

• By contrast, children from families in the upper income half are at least twice as likely to rise into the top academic quartile during both elementary school and high school.

These findings make clear that we are squandering talent throughout K-12 education. Tanner Mathison, a student from rural Oregon who has been a part of the Cooke Foundation Young Scholars Program, recently described one reason that may be happening:

"There are a ton of smart, low-income students in this country who don't have someone to speak for them—no one to get them access to the programs and enrichment they need," Tanner says. "In modern society we tend to associate monetary gains with success, and sadly, with this paradigm, we often fail to recognize that academic talent can rest within lower-income students."

The needs of high potential and high-achieving students like Tanner should not be pitted against the educational needs of students who achieve below proficient levels.

We must close the proficiency gap if our nation is to achieve its promise of equal opportunity at home and maintain its economic position internationally.

But, this struggle to reverse under-achievement among low-income students must be accompanied by a concerted effort to promote high achievement within the same population.

Simply put, lower-income students achieving at advanced levels are not exempt from the struggles facing other lower-income students.

Holding on to that faulty assumption will prevent us from reversing the trend made plain by our findings: we are failing these high-achieving students throughout the educational process.

This failure is especially severe in a society in which the gap between rich and poor is growing and in an economy that increasingly rewards highly-skilled and highly-educated workers.

We are therefore encouraged by the effort of this committee to consider ways to broaden the current focus on proficiency standards in NCLB, and to establish poli-

cies and incentives that expand the number of lower-income students who achieve at advanced levels.

Thank you, Mr. Chairman and members of the committee, for allowing me to testify.

[Internet address to "Achievementrap," How America Is Failing Millions of High-Achieving Students From Lower-Income Families, a report by the Jack Kent Cooke Foundation, follows:]

http://www.jackkentcookefoundation.org/jkcf—web/Documents/Achievement%20Trap.pdf

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Chairman MILLER. Thank you.

Ms. Rodriguez.

STATEMENT OF SONIA HERNANDEZ RODRIGUEZ, EXECUTIVE VICE PRESIDENT, NATIONAL FARM WORKERS SERVICE CENTER

Ms. RODRIGUEZ. Good afternoon, Chairman Miller and members of the committee. Thank you for the opportunity to appear before the House Education and Labor Committee today to discuss the committee's discussion draft relating to Title I of ESEA. I am here today representing the National Farm Workers Service Center, a nonprofit organization affiliated with the United Farm Workers of America. Both foundations were founded by Cesar Chavez in the 1960s to improve the lives of farm workers and other working poor.

Through the National Service Center, we have been providing educational services to the working poor since its inception. For the last 3 years, we have also been SES providers.

In addition, I am here as co-chair of the Coalition for Access to the Educational Resources, CAER, which is a nonprofit grassroots organization representing parents, families, educators and providers, and along with the Education Industry Association, a trade organization representing over 3,000 businesses. In a letter recently sent to you, Mr. Chairman, by UFW president Arturo Rodriguez, he stated his concerns regarding possible changes to the SES provisions of Title I.

The farm workers he represents work under conditions most of us could not tolerate, laboring under a blazing sun with the hope always of providing a brighter future for their children. Farm workers want educational opportunities for their families. As an SES provider, we have worked with children in poor rural communities, in farm labor camps and in struggling urban centers. The proposed changes to SES may deny services to the very children who need more help and more access to supportive services. Our hope is that we would be serving more children and not less. It is important I think to know and to recognize that SES is working for our children. As an organization, we not only measure student progress, focussing specifically on reading and math, we also work to help parents understand that their children need to go into high school. We help them understand that they need to get on college track and that they need to monitor what is happening to their students as they go into high school.

But we also look at additional indicators to show that our programs are working. For example, we know that children who are performing poorly don't like to go to school. So we check with their teachers to make sure that their attendance is increasing. We check for classroom participation. Children that are feeling better about their capabilities tend to participate more. We check for homework completion. And when it comes to English language learners, one of the largest populations that we serve, we measure their acquisition of academic English, not just conversational English but academic English that gives them the opportunity to access content.

The recent RAND study documents progress in nine large school districts. The RAND Corporation found that participation in SES by students in nine school districts nationwide, including Los Angeles and San Diego, had a statistically significant positive effect on students' achievement in reading and math. We also know that SES is highly valued by parents. More than 80 percent of parents believe that SES is having a direct positive impact on their children's academic performance.

We are asking that even though this program is still relatively new, well, it is certainly new to us, that it is showing promise for some of the neediest students that we work with, and we are hoping in its early stages of implementation you would not abandon it. In fact, let me go a step further and ask for your help in several areas.

To be more successful in the field, we find that we need access to school facilities. Too often when we are dealing in some of our communities, we find that unless kids are able to go home or find a way to get home from school, that transportation becomes a serious problem for them. Some of them live 20, 30 miles from school. Hard to imagine, but that is actually true.

Secondly, we would be encouraged to see the rollover of SES funds from 1 year to the next. Too often districts know if they sit on them long enough, the money stays with them, and the services that were supposed to be provided never do get provided. The support for English language learners is really critically important as well as for students with special needs. Time on has for them—is a really important, important concept, an important way of dealing with their needs. And most of all, we would ask that you not reduce the number of students to be served or the funds with which to serve them. Again, on behalf of CAER, EIA and the Chavez Farm Worker Movement, we want to thank you for everything that you are doing for No Child Left Behind. We do believe that NCLB offers to increase educational opportunities for Latinos and other working poor families in our Nation, and we stand ready to help in any way that we can. Thank you.

[The statement of Ms. Hernandez Rodriguez follows:]

Prepared Statement of Sonia Hernandez Rodriguez, Executive Director, National Farm Workers Service Center

Chairman Miller, Ranking Member McKeon and members of the committee, thank you for the privilege and opportunity to appear before the House Education and Labor Committee today to discuss the Committee's discussion draft relating to Title 1 of the Elementary and Secondary Education Act (ESEA). Mr. Chairman and Ranking Member McKeon, I first would like to commend you on the countless hours

that you and your staffs have worked to produce the discussion draft. In my humble view, there are few pieces of legislation that this Committee will consider during this Congress that will be as important and have as long-lasting an impact on the future generations of our country than the reauthorization of the ESEA, or No Child Left Behind (NCLB) as it is widely referred to coast-to-coast.

Chairman Miller, it is particularly an honor to appear before you because I live in California and am a constituent of yours.

Today, Mr. Chairman, I am here representing the National Farm Workers Service Center which is one of the many high-quality, state-approved providers of Supplemental Education Services' tutorial services in California and across the country. We are also a member of the Education Industry Association (EIA), the industry trade group that represents many of the 3,000 approved SES providers. I am also co-chair of the Coalition for Access to Educational Resources (CAER) along with former Governor of Nevada Bob Miller. CAER is a national grassroots coalition committed to educating parents and policy makers about the options available under NCLB.

I would like to spend my brief time addressing the committee on the SES section of the discussion draft. First, let me give you the good news before I review the not so good news in the discussion draft. We know that SES is working, both in California and nationwide. The recent study conducted by the Rand Corporation found that participation in SES by students in nine school districts nationwide—including Los Angeles and San Diego—had a statistically significant, positive effect on students' achievement in reading and math. We also know that SES is highly valued by parents and students alike. SES studies consistently demonstrate that some 80 percent of parents believe that SES has had a positive impact on their children. I can certainly assure you that many of the parents and students that I work with on a daily basis in California, are pleased that SES remains a critical element of school reform interventions that are recommended in the discussion draft. We are also encouraged that the Committee has taken steps that we believe will improve certain aspects of SES, particularly those related to better access to school facilities and to the provision of services to students with special needs and needs and others with limited proficiency in English.

At the same time, we are very concerned about a few significant items that we discovered while reviewing the discussion draft, and we hope that the Committee will change these provisions prior to formally introducing a final bill. As the EIA has described in the comments that the association submitted to the Committee, which I will outline shortly, we believe that several provisions included in the draft would: (1) significantly reduce the overall number of students in low-performing schools who can take advantage of and benefit from these services; (2) substantially cut the amount of total funds currently available for free tutoring; (3) not go far enough to ensure that all districts are taking the necessary steps to ensure SES is offered to all eligible students and (4) limit school district options in seeking both nonprofit and for-profit partners for school services beyond SES.

I would like to briefly touch on the issues of greatest concern to us.

Reduction of Universe of Students Eligible to Receive Free Tutoring

The discussion draft includes several provisions, which taken together, would severely reduce the number of students likely to be eligible for free tutoring Just a few days ago, Secretary Spellings announced her Department's finding that just half of the current number of SES students will get free tutoring should the proposed language become law. In particular, the draft provides States the option to develop a system of multiple indicators to help schools meet their annual measurable objectives by giving credit to those schools that might otherwise not be able to meet their annual goals of students proficient in math and reading.

The discussion draft would allow schools to use a new performance index measure to determine adequate yearly progress (AYP) and also create a pilot program (that could be extended to all 50 States within three years) encouraging a system of local assessments that would be used to determine AYP. By reducing the number of schools identified as in need of improvement, these provisions would mean that a significant number of students would lose their access to free tutoring services—in spite of the fact that these same students would continue to be in the same schools that have not been able to demonstrate academic gains.

While our comments do not provide specific recommendations on the aforementioned concerns, we raise these issues in hope that we can have a more in depth dialogue with you and your staff regarding the likely impact of these provisions on the nearly 3 million students currently eligible for free tutoring under NCLB.

In addition to provisions which could fundamentally alter the current assessment and accountability systems at the State and local levels, we are also concerned with

proposed language that would have the effect of significantly scaling back the instances in which SES would be offered to eligible students.

Specifically, under the draft proposal, schools would no longer be deemed as missing AYP unless the same group failed to meet the same proficiency target in the same subject for two consecutive years. This is a considerable departure from current law, which does not enable schools to avoid missing AYP simply because different groups within the school missed proficiency targets over the course of several years.

The draft proposal would also modify which schools in improvement would be required to offer SES. Under current law, all schools missing AYP for three consecutive years must provide SES. The discussion draft would allow districts to develop a new, less stringent category of "priority" schools which would have the option of providing SES. In all likelihood, once again, this change will greatly reduce the number of students who—under current law—have opportunities to receive free tutoring services.

Reduction in the Amount of Funds Available for Free Tutoring

While the discussion draft maintains a set-aside of funds to be used to provide SES, the language actually makes considerable changes to current law that would result in significantly less funding being available to provide SES to eligible students. Specifically, current law requires any district with one or more schools that are required to offer SES to set aside district level funds in "an amount equal to 20 percent of its allocation under subpart 2 [Title I]." The discussion draft would drastically reduce this amount in virtually all school districts by requiring that only 20 percent of "each identified school's allocation" be set aside for SES and public school choice options. To ensure that a proportional amount of funds are spent under the discussion draft as they are in current law, every Title I school in the district would have to be required to offer SES and public school choice—which is not a realistic expectation under current law or the provisions of the discussion draft.

Ensuring Funds Remain Available for SES

The draft proposal begins to take steps to address the issue of local districts not fully spending their set-aside and ensuring that all eligible students are notified of these services. However, we believe the draft does not go far enough with respect to this issue and requires further changes that we have shared with the committee.

Let me briefly touch on a few more issues with which we have concerns before closing my comments.

Extended Learning Time Programs

According to the National Assessment of Title I (February 2006), the percentage of identified Title I schools experiencing various types of interventions since identification for improvement (2004-2005) shows that 24 percent of schools in year 1 of improvement; 29 percent of schools in year 2 of improvement; 42 percent of schools in corrective action; and 31 percent of schools in restructuring are already using funds for extended learning time programs. In light of current, significant school expenditures and the new Expanded Learning Time Demonstration Program authorized under Part J, we believe that extended learning time opportunities are adequately addressed in the discussion draft and no diversion of set aside funds is warranted.

That said, if language remains in the bill which will allow money set aside for SES and public school choice options to be used for extended learning time programs, it should be clarified to ensure that the set aside amounts to a maximum of 10 percent of the 20 percent described and equates to 2 percent of the LEA allocation.

Facility Access

We are pleased the discussion draft addresses obstacles providers face in accessing school facilities to provide tutoring services. However, we would recommend that the language be clarified to ensure that SES providers have the same access to facilities on the same terms that are available to other groups that seek access to the school building.

Regulations

We believe the provisions regarding regulations are not necessary as the Secretary is already able to regulate on these issues which are already included as part of the State process for identifying providers.

Role of For-Profit Entities Supporting Schools Beyond SES

While the National Farm Workers Service Center is a non-profit entity, we believe that "No Child Left Behind" in general, and SES in particular, should offer SES-eligible families as many options for their children as possible. In addition, school districts themselves must be free to procure services from a broad array of vendors as they do under current law.

To that end, we believe that for-profit organizations, along with non-profit entities such as the Farm Workers, should be able to participate in any appropriate NCLB, including SES, drop out prevention and school redesign activities. Language in the discussion draft excludes profit-making organizations, and should be changed to be as inclusive as possible.

Conclusion

I know that the Committee and the Congress have a lot of unfinished work regarding NCLB, but I also know that the issues that I outlined regarding SES are critically important to our children. Again, on behalf of the National Farm Workers Service Center, I appreciate the Committee's efforts to improve and strengthen SES for our children, and thank you for the opportunity to make our views known to the Committee today.

Chairman MILLER. Thank you.

Mr. Castellani.

STATEMENT OF JOHN CASTELLANI, PRESIDENT, BUSINESS ROUNDTABLE

Mr. CASTELLANI. Thank you, Mr. Chairman. Distinguished members of the committee, on behalf of the Business Coalition for Student Achievement, BCSA, I am pleased to be here today to discuss the coalition's views on the discussion draft for reauthorizing the Elementary and Secondary Education Act. I am also here because education reform is such a high priority for the chief executive officers who are the members of the Business Roundtable. The BCSA represents business leaders from every sector of the economy. We believe that improving the performance of our K-through-12 education system is necessary to provide a strong foundation for both U.S. competitiveness and for individuals to exceed in our rapidly changing world. It is for this reason BCSA continues to stand firmly behind the principles underlying the No Child Left Behind Act. We are also part of a broad coalition NCLB works, and this includes business education community and civil rights groups that share the common belief that NCLB has been instrumental in focussing our Nation on improving academic achievement for all students.

As this committee moves forward, we strongly urge that you resist any changes to the law that would undermine or reduce this fundamental focus. And at the same time, there are areas where NCLB does need improvement and expanded flexibility. We are pleased that the discussion draft includes math and reading proficiency by 2013 and 2014. We are pleased that it includes post-secondary and workplace readiness, accountability and rigor for high school and student growth models as well as a uniform end size. However it is detailed in our formal comments, we are deeply concerned about provisions that we believe could undermine the current accountability for all students to reach proficiency. The draft provides a path by which States could create accountability systems that are so complex as to be rendered meaningless. While we do not believe it is the intent of this committee to reduce account-

ability, we do have serious concerns about the draft's cumulative impact. I want to make it clear that the business community supports a core curriculum for all students, and employers are looking for skills that go beyond those in the current law. However, any additional measures must be additions to and not subtractions from the current requirements.

For example, we support adding science to the current accountability system. Science should not be an optional indicator for extra credit if a school falls short of its reading and math targets. Our test for supporting the draft as it is, is based on two key questions. First, do the proposals advance or dilute accountability? And second, are they based on or do they generate sound data? The current draft does not pass that test. Now that being said, we are pleased with the dialogue we have had with you and your staff since the release of this draft. We remain hopeful that our concerns can be addressed and that you will have the full support of the business community behind reauthorization of this important law. It is outlined in greater detail in our submitted comments.

The following four areas are those in which we have the greatest concern. First, the draft creates too many opportunities for schools to game the system, obscuring the fact that students are not progressing toward being able to read and do math at grade level. It allows schools that do not meet their annual objectives in reading and math to meet their targets based on other measures. Second, it significantly weakens the process by identifying schools in need of improvement, it allows schools to ignore shortfalls in math and reading just because the lack of improvement shifts groups from year to year. Third, it dramatically reduces the availability of public school choice and supplemental educational services and substantially reduces funding for these options. And fourth, it establishes a difficult to understand and explain and implement multiple measures framework. We want to ensure the reauthorization does not result in masking what NCLB has exposed, the fact that too many students, many from economically disadvantaged backgrounds, are moving through our schools without the basic skills necessary to be successful and productive citizens.

Mr. Chairman, you have conducted a remarkably open process, and we have great respect for your leadership and commitment as well as that of Representative McKeon. Again, I want to thank you for this opportunity to testify, and we look forward to working with the committee as the reauthorization process moves forward.

[The statement of Mr. Castellani follows:]

Prepared Statement of John J. Castellani, President, Business Roundtable, on behalf of the Business Coalition for Student Achievement (BCSA)

Chairman Miller, Senior Republican Member McKeon and other distinguished Members of the Committee. On behalf of the Business Coalition for Student Achievement (BCSA), I am pleased to be here today to discuss the Coalition's views on the reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965 and specifically our views on the Committee's staff discussion draft for reauthorization of Title I of this law. I also am here because education reform is such a high priority for the CEO members of the Business Roundtable.

The BCSA represents business leaders from every sector of the economy and 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.

As employers, we understand the important role the U.S. business community must play in ensuring the American education system prepares our youth to meet the challenges of higher education and the workplace. It is for this reason BCSA has been a staunch supporter of education reform and continues to stand firmly behind the principles underlying the No Child Left Behind (NCLB) Act.

We are also part of a broad coalition—NCLB Works—which includes business, education, community, and civil rights groups working to strengthen and reauthorize the Act. We share the common belief that this law has been instrumental in focusing our nation on improving academic achievement for all students and we stand behind NCLB's goal of all students being able to read and do math on grade level by the 2013-2014 school year.

As this Committee moves forward with reauthorization, we strongly urge that you resist any changes to the law that would undermine or reduce this fundamental focus.

At the same time, there are areas where NCLB needs improvement and expanded flexibility, and we formally shared our ideas with the Committee earlier this year. For example, BCSA supports allowing States to implement well-designed growth models to determine adequate yearly progress (AYP). We also believe school districts should have the ability to target the most significant interventions to those schools that are the furthest behind in ensuring all of their students are proficient.

BCSA is pleased that discussion draft includes:

- math and reading proficiency by 2013-14
- postsecondary and workplace readiness
- accountability and rigor for high school
- student growth models
- uniform N-size

However, as we detailed in our formal comments to the Committee, we are deeply concerned about provisions included in the draft that we believe would undermine the current accountability for all students to reach proficiency. The draft provides a path by which States could create accountability systems so complex as to be rendered meaningless.

While we do not believe it is the intent of the Committee to reduce accountability, BCSA has serious concerns about the draft's cumulative impact on accountability for improved academic achievement for all students.

I want to make it very clear that the business community supports a core curriculum for all students, and employers are looking for skills beyond those in the current law. However, any additional measures must be additions to, not subtractions from, the current requirements. For example, we believe that science should be added to the current accountability system. Science should not just be an optional indicator for extra credit if a school falls short of its reading and math targets.

Our test for supporting the bill as it is currently drafted is based on two key questions: First, do the proposals advance or dilute accountability? Second, are they based on or do they generate sound data? The current draft does not pass that test. That being said, we have been very pleased with the dialogue we have had with you and your staff since the release of the discussion draft and remain hopeful that our concerns can be addressed prior to the bill's introduction and that BCSA can lend the full and enthusiastic support of the business community behind the reauthorization of this important law.

As outlined in greater detail as part of our submitted comments, the following areas are those in which we have the greatest concern. In particular, the discussion draft:

- Creates too many opportunities for schools to game the system, obscuring the fact that students are not progressing toward being able to read and do math on grade level. It allows schools that do not meet their annual measurable objectives in reading and math to be considered as meeting their targets based upon other measures, including local assessments;
- Significantly weakens the process for identifying schools in need of improvement. It allows schools to ignore shortfalls in proficiency in math and reading just because the lack of improvement happens to shift subgroups from year to year. It overly limits the identification of schools in need of the most assistance to improve student achievement;
- Dramatically reduces the availability of public school choice and supplemental educational services and substantially reduces funding available for such options; and
- Establishes a difficult to understand, explain, and implement multiple measures framework. This framework runs counter to NCLB's current transparent ac-

countability system. It also creates a confusing accountability system to address the critical need to increase high school graduation rates.

We want to ensure this reauthorization does not result in masking what NCLB has exposed. The fact is that too many students—many from economically disadvantaged backgrounds—are not getting a high-quality education and are moving through our schools without the basic skills necessary to be successful and productive citizens.

Mr. Chairman, you have conducted a remarkably open process and we have great respect for your leadership and commitment, as well as that of Representative McKeon. The reauthorization of NCLB provides an opportunity to take the next, and important, step of not just identifying schools in need of improvement, but ensuring they have the tools necessary to reach higher levels of achievement.

Again, thank you for this opportunity to testify, and we look forward to working with the Committee as this reauthorization moves forward.

Chairman MILLER. Thank you.

Mr. Kohlmoos.

STATEMENT OF JIM KOHLMOOS, PRESIDENT AND CEO, KNOWLEDGE ALLIANCE

Mr. KOHLMOOS. Thank you very much. Good afternoon. My name is Jim Kohlmoos. It is my pleasure and honor to present the testimony on behalf of Knowledge Alliance. And thank you for this opportunity. By way of introduction, Knowledge Alliance is a nonpartisan coalition of 30 leading research and development organizations in education around the country. Our members include a diversity of nonprofit, for-profit organizations, public and private universities involved in virtually every aspect of education reform, touching virtually every school district in every State and territory in the country.

While the business of research and development, particularly in education, can sometimes seem confusing, detached and overly complex, our collective cause as an alliance is actually quite straightforward, to connect the research community with the school improvement enterprise and to use the best available research-based knowledge to help all students achieve. R&D is the lifeblood of innovation and productivity in other sectors, and we believe the same should be true in education, particularly as it relates to school improvement.

We applaud the bipartisan effort thus far, as others have, in sustaining the key goals of No Child Left Behind. The tricky part, of course, as we have already heard, is how best to achieve those goals. To be sure, reaching consensus on new accountability provisions and fixes will be challenging to say the least, but we hope that there will be a broad agreement on shifting more attention to school improvement, and to your proposals for sustaining and scaling improvement efforts. In this regard, we have three general observations to make. First, the discussion draft's greater focus on school improvement moves reauthorization in the right direction. We think it is important to put this reauthorization in historical context, as Mr. McKeon did last week at your business coalition. For the past 20 years, dating back to the first Bush Administration, the Federal administration policy has been guided with a standards-based reform framework, one which has not really been overly debated here today.

The idea is to develop standards; align the system through those standards; create strong accountability measures; and, last and certainly not least, to deliver solutions to schools. With NCLB's heavy emphasis on accountability in 2002, we believe the conditions now are ripe to move to the next level and focus greater attention on school improvement. As embedded in your discussion draft, the next reauthorization should aim to balance the needed sanctions with compelling robust innovative solutions.

Second, invest in building local and State capacity for school improvement. We believe the discussion draft is on the right track in emphasizing the need for capacity building. We would go so far as to recommend that the new title of the statute be called something like, "Building America's Capacity for Excellence for All Children," which would create an interesting acronym following NCLB and ESEA.

We are pleased by the proposed increase in the State's set-aside for school improvement, the continuation of the State Formula Grant Program, which Congress just recently funded for the first time, and the inclusion of a broad array of new programs for high schools, for data systems, for adolescent literacy. And we are particularly pleased with the second generation of comprehensive school reform about which we have several specific recommendations for change.

Third, inject a sense of rigor in school improvement efforts, more than a sense of rigor; inject rigor in school improvement efforts. We agree with the inclusion of the term scientifically valid research, as defined in the Education Sciences Reform Act that has been included in many different places in the draft. This definition creates a market demand for research-based knowledge and strikes, we think, a practical balance between relevance and rigor in implementing key provisions in the statute. The term should be consistently applied throughout the entire statute.

We applaud also including third party expert service providers as part of the State's system of delivering needed school improvement, including comprehensive centers, regional education laboratories, the National Research and Development Centers and other school improvement experts who can quickly and effectively mobilize high-quality intensive assistance.

Mr. Chairman, we have seen the benefits of many effective school improvement initiatives all across the country. I highlighted them in my written comments. There is a lot of good work going on out there that needs to be scaled and sustained and further refined through research and research development. I noted in my comments, transformative school improvement efforts in Calexico Unified School District, the Northwest Regional Laboratory's intensive work in turning around, the National Center of Research on Evaluation Standards and Student Testing at UCLA, which is using rigorous methods for validating promising after-school programs in numerous States and stirring new innovative approaches.

In summary, this reauthorization can and should accelerate nationwide efforts to fulfill the promise of NCLB. Through a robust and rigorous system of school improvement, we believe that the increasingly urgent needs for turning around low-performing schools can and would be met. Thank you.

[The statement of Mr. Kohlmoos follows:]

Prepared Statement of James Kohlmoos, President and CEO, Knowledge Alliance

Good morning. My name is Jim Kohlmoos, president of Knowledge Alliance. It is my pleasure and honor to present this testimony on behalf of the Knowledge Alliance. We appreciate this opportunity to present to the Committee our comments and recommendations on the reauthorization of the Elementary and Secondary Education Act (ESEA), also referred to as No Child Left Behind (NCLB).

By way of introduction, Knowledge Alliance (formerly known as NEKIA) is a nonprofit, nonpartisan trade association composed of 30 leading education organizations dedicated to expanding the use of research-based knowledge in policy and practice in K-12 education. In the aggregate, Alliance members are involved in virtually all aspects of school improvement including high-quality education research and development, dissemination, technical assistance, professional development and evaluation at the federal, regional, state, tribal, and local levels. We firmly believe that the effective use of research-based knowledge can significantly enhance and accelerate the nationwide efforts to improve academic performance and close achievement gaps in K-12 education.

While the business of research and knowledge creation and use can sometimes seem confusing, detached, and complex, our goal is very straightforward and clear: to help educators use and apply the best available research-based knowledge to help all students succeed.

We applaud the bipartisan effort throughout the process in sustaining key goals of NCLB. We believe that this reauthorization is an opportunity not only to improve some of NCLB's accountability provisions, but also to give greater focus to school improvement and to more effectively deliver research-based solutions to schools that have the greatest needs

We offer this testimony at a critical juncture in the evolution of education reform in this country. As you know, federal education policy has evolved in phases over the past 15 years. The focus on standards and assessments in the late 1980s and early 1990s spawned major attention on the alignment of standards, curriculum and assessments in the 1990s, which in turn played a role in the current emphasis on accountability. The next logical step in this standards-based continuum is to deliver of solutions to the problems identified by the accountability system. This means focusing comprehensive and vigorous attention on school improvement and providing significant new resources and expertise targeted both to turning around low performing schools and to building a knowledge-based capacity and infrastructure for sustained improvement. As a nation, we have already made a firm commitment through the NCLB to provide a world class education to every student that attends our schools. With this upcoming reauthorization we believe that the time has come to take this next big step towards this ambitious goal.

We have already provided extensive comments to the Committee regarding the Title I reauthorization draft, but I wanted to take a few minutes to make some general comments and suggestions:

Focus priority attention and resources on school improvement and capacity building—We applaud the greater emphasis in the discussion draft on building capacity at the state and local levels to provide urgently needed school improvement support in terms of expertise, research-based knowledge and funding. In order to reflect the importance of school improvement and capacity building, we recommend that the title of the statute reflect this emphasis: for example, "Building America's Capacity for Excellence for All Children Act." This will help highlight school improvement and capacity building as one of the guiding principles of this reauthorization.

Increase investments in School Improvement Grants—We are pleased by the proposed increase to 5% for the state set aside for school improvement. We also suggest to ensuring the continuation of the formula grant program for states which the Department of Education recently activated. To ensure the successful expansion of school improvement grants, we encourage the Committee to increase the authorization to $500 million over the life of the authorization.

Define and consistently include the term "Scientifically Valid Research"—We agree with the inclusion of this term in many places in the draft. We suggest that the definition should be the same as that used in the Education Sciences Reform Act with only slight modification to address external validity issues. This definition reflects the need for both relevance and rigor in developing and implementing key programs and provisions in the statute. We also suggest that term be consistently used throughout the statute. In order alleviate confusion, other related terms such as "evidence-based" should be avoided.

Launch the "second generation" of Comprehensive School Reform—We applaud the inclusion of this "second generation" program and recommend that the program be of sufficient size and scope (authorized at least $300 million). A State formula grant system through which competitions would be conducted for LEA subgrants allows all states to participate and increases the diversity of grantees. Awards to the LEAs should be at least $100,000 the first year (to allow for start-up costs) and $50,000 in subsequent years. Up to a 3% set aside for national activities should be included for further model development, quality center evaluations and clearinghouse activities.

Involve expert, third party providers in the state system of assistance—We applaud including third party service providers as part of the state system of delivering needed school improvement. Specifically, this support should include the Comprehensive Centers, the Regional Educational Laboratories, the National Research and Development Centers, and other school improvement specialists and entities which will help to mobilize intensive and extensive assistance.

We have seen the benefits of many effective school improvement initiatives at the local level which emphasize capacity building and the use of scientific valid research in delivering solutions to specific problems and circumstances. Allow me to briefly share with you three examples. The Calexico Unified School District, where nearly 80% of the students are eligible for free or reduced-price lunches, contracted with WestEd in 2001 to work intensively with six underperforming schools. WestEd helped the schools create and implement an improvement plan and then worked with all nine Calexico schools to define a common language of teaching for administrators and coaches. Both now provide specific feedback to teachers on instructional practices and regularly analyze and discuss classroom instruction. By 2005, all schools had made great achievement gains, reflected in an increase of 124 points, on average, on California's Academic Performance Index.

The Siletz Valley Charter School in Oregon, the local school for the Siletz tribe, became successful over a four-year period with intensive support from Northwest Regional Educational Laboratory (NWREL). Beginning as a failing school with a 78 percent poverty rate, it now has more that 80 percent of their students meeting or exceeding state benchmarks in both reading and math. As a school improvement consultant to the school, NWREL helped the staff find appropriate curriculum materials, conduct qualitative reading inventories, use children's literature to build decoding skill, comprehension, and positive attitude, implement the 6+1 Trait approach to assessing and teaching writing, and collect data to support Title I eligibility. This school not only avoided closure, but is now a thriving, successful community school.

The National Center for Research on Evaluation, Standards and Student Testing (CRESST) at UCLA is using rigorous multiple methods to validate the promising afterschool practices of sites located in Connecticut, Florida Illinois, Ohio, New York, and Pennsylvania (among others). Findings are being used to create training and web-based tools to help afterschool programs across the country to implement more effective interventions in reading, math, arts, homework help, and technology. The project is being conducted in collaboration with Southwest Educational Development Laboratory and the National Partnership for Afterschool Learning, which also brings together and benefits from collective reach of numerous other R&D organizations around the country.

By focusing greater attention on school improvement and capacity building as a key element of the next reauthorization, the Committee's discussion draft is headed in the right direction. ESEA can and should re-shape and accelerate nationwide efforts to fulfill the promise of NCLB. Through a robust system of support that emphasizes rigor and relevance and the use of scientifically valid research in its solutions, we believe that the increasingly urgent needs for turning around low performing schools can be effectively met. With our recommendations we are committed to helping the Committee find common ground in fulfilling the legislation's ambitious goals.

We thank you for the opportunity to testify today, and thank you again for your ongoing dedication to our nation's children.

Chairman MILLER. Thank you.

Mr. Petrilli.

STATEMENT OF MIKE PETRILLI, VICE PRESIDENT FOR NATIONAL PROGRAMS & POLICY, THE THOMAS B. FORDHAM FOUNDATION

Mr. PETRILLI. Thank you, Mr. Chairman, members of the committee, thank you for the opportunity to testify today. I am honored to represent the Thomas B. Fordham institute, an independent education policy think tank located here in Washington. As a think tank guy and not a lobbyist or a representative of an interest group, I enjoy a certain amount of freedom to call things as I see them.

Let me state an obvious truth, one that you clearly wrestled with in the development of your discussion draft. When it comes to accountability, it is impossible to offer meaningful flexibility to the States while at the same time foreclosing any possibility of chicanery. In other words, if you were 100 percent committed to ensuring that the Nation's schools operated under a rock solid tamperproof set of accountability rules, you would build it yourself from Washington. You would create a water-tight national accountability system complete with national academic standards, national tests and national school ratings. You would ask an independent commission to determine what students need to learn in order to compete with the rest of the world, have them build top-notch tests, design sophisticated growth models, decide appropriate end size and confidence in the rules, develop a rating system with well designed school labels; every school in the country would be judged in exactly the same way.

And this isn't a crazy idea. I and my Fordham colleagues would discuss going national with such an accountability system so long as we also went flexible with everything else, how schools spend their dollars, what kind of teachers they can hire, how States and districts can intervene with schools that aren't making the grade, how many choices families have among schools, and on and on. It is pretty clear, though, that you aren't willing to call for such a national accountability system. And to be fair, neither are the business groups and the civil rights groups and some of the other accountability hawks, much less of course the administration.

So you are left with a delicate balancing act that you are trying to get right. If you give too much flexibility to certain States and districts, they will make Swiss cheese out of NCLB version 2.0. If you give too little flexibility though, well-meaning States will continue to chafe against the Federal dictates, unable to implement world-class accountability systems that, left to themselves, they might have otherwise developed.

This is a true dilemma, and there is no right answer. The best that you can achieve, though, is to provide political cover and enough flexibility for States that want to do the right thing. While we are moving to perverse incentives, we might be pushing States to do the wrong thing. So let me explain briefly what that means. For well-meaning States, and let's imagine there are so many of them out there, you need to allow them to have a set of design principles for their accountability system, not a rigid system that is imposed on them.

Now you seem to agree with this approach to some degree. When it comes to growth models, you rely on design principles rather

than specific dictates. Yet, in other cases, you lapse into what might be considered over prescription. For example, you open the doors to multiple indicators, good indicators in my view. But you limit the rates to 15 and 25 percent respectively for elementary school and high school. So why not 20 and 30 percent or 25 and 35 percent? You also allow States to move from the current system of labeling schools in one of two ways, either make AYP or they don't, to one of three ways, they make AYP or they are a priority school or they are a high-priority school. Why not four types of labels or five? A, B, C, D, E and F? We are not necessarily arguing for greater leniency. If you have to pick numbers, your numbers are generally fine. But no matter what numbers you go with, they are going to constrain some States in unforeseen and undesirable ways. So, instead, why not focus on design principles. For example, you could say the States could develop a school rating system with multiple gradations, the most severe label has to be reserved for schools where the vast majority of schools are failing to meet State expectations, one where also subgroups of students are achieving at high levels. Moving from prescription to design principles would give well-meaning States some much needed breathing room. Now, may it also open the door to abuse by States that want to do the wrong things? Yes, of course, it could. The best you could do, though, is again to remove perverse incentives that might be pushing them in the wrong way. The worst reverse incentive that you still have in this discussion draft is the requirement that 100 percent of students have to be proficient by 2014 or on a trajectory to get there.

The evidence is clearly in, this measure is doing harm; it is rewarding States that have low standards and pushing States with high standards to lower the bar further. And in a classroom, what this means is that our teachers are under a lot of pressure to aim for very low-level skills. I don't think that is what any of you have been intending to do. What you could do is to adopt the education trust proposals, and it would allow States to move to more rigorous standards and tests and then aim for less than universal proficiency.

The other big perverse incentive in the discussion drafts is your decision to not require priority schools to provide supplemental educational services. This creates huge incentives for States that don't like supplemental services to play games to try to label as few schools as possible as high priority. At the very least, you might offer all schools that are priority and high priority make sure that they offer supplemental services. Even better, why not require every Title I school in the country with a lot of poorer students that are below proficient and not on trajectory to get to proficiency to provide supplemental services. Let's think of supplemental services as a benefit for students, not as a sanction for schools.

It is a lot of great work here. Again, you have a very tough, difficult balancing act to play if you are not willing to go all the way and have a national accountability system. If you keep moving in this direction by focusing on design principles, we think that you will produce a law that is less than perfect, but better than good. That is a step in the right direction.

Thank you, Mr. Chairman.

[The statement of Mr. Petrilli follows:]

Toward a Healthy Federal-State Relationship

Testimony before the House Education and Labor Committee

Michael J. Petrilli
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September 10, 2007

Chairman Miller, Congressman McKeon, members of the committee: thank you for the opportunity to testify today. I am honored to represent the Thomas B. Fordham Institute, an independent education-policy think tank located here in Washington.

As a think tank guy, and not a representative of an interest group, I enjoy a certain amount of freedom to call things as I see them. So let me state an obvious truth—one that you clearly wrestled with in the development of your discussion draft:

When it comes to accountability, it is impossible to offer meaningful flexibility to the states while at the same time foreclosing any possibility of chicanery.

If you were 100 percent committed to ensuring that nation's schools operated under a rock-solid, tamper-proof set of accountability rules, you would build it yourself, from Washington. You would create a watertight national accountability system, complete with national academic standards, national tests, and national school ratings. You would ask an independent commission to determine what students needed to learn in order to compete with the rest of the world, have them build top-notch tests, design sophisticated growth models, decide appropriate "n" sizes and confidence intervals, and develop a rating system with a range of well-designed school labels. Every school in the country would be judged in exactly the same way.

This isn't a crazy idea. I and my Fordham colleagues would support "going national" with such an accountability system—so long as we also "went flexible" with everything else: how schools spend their federal dollars, what kinds of teachers they can hire, how states and districts intervene in schools that aren't making the grade, how many choices families have among schools, and on and on.

It's pretty clear, though, that you aren't willing to call for such a national accountability system—and, to be fair, neither are the so-called "accountability hawks" in the civil rights and business communities. So you're left with a delicate balancing act. Give too much flexibility and certain states and districts will make Swiss cheese out of NCLB

version 2.0. (Especially with the wonderfully misnamed Forum on Educational Accountability already licking its chops, waiting to instruct states on how to play games.) Give too little flexibility, and well-meaning states will continue to chafe against the federal dictates, unable to implement world-class accountability systems that, left to themselves, they would (or have already) put in place.

The horns of a true dilemma, with no right answer. No matter what you do, some states and districts will resist true accountability. No matter what you do, some other states and districts will be hobbled in their earnest efforts to implement true accountability. The best you can achieve is to provide political cover and enough flexibility for states that want to do the right thing, while removing perverse incentives for states to do the wrong thing. Let's consider how the discussion draft measures up on those counts.

Be Flexible, Be Principled

Your task with regard to well-meaning states—those that have been in the vanguard of the accountability movement for years, whose leaders remain committed to the tough job of raising achievement and closing gaps—is to provide enough flexibility so that they can continuously improve their accountability systems. What they need from you is a set of design *principles* for such a system—but not a rigid system imposed on them. By all means, be clear about the objectives you want state accountability systems to achieve—but don't prescribe every nuance and rule. Because you'll never get it 100 percent right, Uncle Sam will never be as inventive as five or ten or twenty states, and if you over-prescribe, they will be frozen in place until the next reauthorization.

You seem to be open to this approach to some degree. Your proposal for growth models—based on the Administration's pilot program—relies on design principles, rather than dictates. (Sometimes the wrong design principles, but more on that later.) Yet in other cases you lapse into over-prescription:

- You open the door, for example, to multiple indicators, but limit their weight to 15 percent and 25 percent for elementary schools and high schools respectively. Why not 20 percent and 30 percent? Or 25 percent and 35 percent? Is this just arbitrary? It will surely be hobbling.
- You allow states to move from the current system of labeling schools in one of two ways (makes AYP/ does not make AYP) to a new system of labeling schools in one of three ways (makes AYP/ priority school/ high priority school). Why not allow four types of labels? Or five (A, B, C, D, F)?
- On special education, you embrace the "one percent rule" and the "two percent rule." Why not the "four percent rule" or the "five percent rule"?

I'm not necessarily arguing for greater leniency. If you must pick numbers, your numbers are generally fine. But no matter what numbers you pick, they are going to constrain some states in some unforeseen and undesirable ways.

Instead, why not focus on design principles? You could say:

- When determining school ratings, state accountability systems must focus predominantly on student performance in reading and math, and on schools' progress in ensuring that their lowest achieving students make significant gains in these subjects. But, in order to encourage schools to teach a full and proper curriculum, and to pay attention to all of their students across the achievement spectrum, such systems may also take into account pupil performance in other subjects, as well as schools' progress in raising all of their students to higher levels of achievement.
- States may develop a school-rating system with multiple gradations. The most severe should be reserved for schools where the vast majority of students are failing to meet state expectations, and are not on a trajectory to meet state expectations by the time they reach twelfth grade. These schools must be subject to intensive sanctions. The most laudatory label should be reserved for schools where all subgroups of students are performing at high levels or are making rapid

progress toward state expectations. Regardless of the label, schools with a significant proportion of low-income students who are not on track to be proficient by twelfth grade must offer those students supplemental services.

- States must develop policies for including students with disabilities in their accountability system in a manner that maintains the highest expectations that these students, on an individual level, can possibly meet.

Let the states figure out the best ways to live by these principles and meet these objectives; you don't have to do it for them. Moving from prescription to design principles will give well-meaning states some much-needed breathing room. Will it also open the door to abuse? Of course it will, but here's how you can mitigate the risk.

Eliminate Perverse Incentives

In your discussion draft, you show praiseworthy awareness of NCLB's unintended consequences. Worried about the "narrowing of the curriculum," you allow states to include subjects beyond reading and math in a school's accountability rating. Concerned about an obsession with the "bubble kids" just below the proficiency line, you allow states to move to growth models. This is all to the good.

Still, the draft maintains some policies that could encourage states to behave badly. You should take a red pen and slash these provisions at once!

The worst offender is your requirement that state accountability systems continue to aim for 100 percent proficiency by 2014 (or get all students on a trajectory to be proficient within three years). The evidence is in: this provision is doing measurable harm. It creates an environment that punishes states with high standards, incentivizes them to lower the bar, and actually rewards states with miserably low expectations. But there's more; low standards have a cascading effect, as schools peg their instruction to low-level skills, creating a diminished vision of education that's bad for children and bad for the nation. Your discussion draft's "incentives" for states to adopt "college and work-ready

standards and assessments" can't outweigh this demand for "universal proficiency." (And, with all due respect, its weak-kneed provision to "compare" state standards certainly won't do the trick.) However, there are a few obvious fixes:

- As recommended by the Education Trust, allow states that move to rigorous standards and tests to aim for less-than-universal proficiency (so that "proficiency" maintains some meaning and rigor).
- Clarify that the goal of state accountability systems should be getting a sizable proportion of students to proficiency *by the end of the twelfth grade* (not by 2014, or 2020, or any particular year). And that "proficiency" at the end of high school should mean readiness for work and college. In grades 3-11, or maybe K-11, the goal should be accelerating the progress of students—especially those far behind—so that they meet the proficiency target by grade 12—not necessarily getting there by grade 5 or 7 or any other place in between.

The other perverse incentive still lurking in your draft arises from your decision not to require "priority" schools to offer Supplemental Educational Services to their low-income students. Consider what this means for Palmetto Elementary School in suburban Miami—a real school, not a fictional one. Its low-income students--about 20 percent of its population--fell short of the state's proficiency target in mathematics, causing the school to miss AYP under current rules.

Your discussion draft would no longer label Palmetto "in need of improvement" because the school as a whole and its other student sub-groups hit their objectives. Instead, it would be called a "priority" school. As a result, its low-income students would no longer gain access to free tutoring. You are literally taking away services from needy children who are still below "proficient" in math. What sense does that make?

For states that loathe the supplemental services requirement, this provision provides even more incentives to play games and label as few schools as possible as "high priority."

You could fix this by:

- At the very least, requiring "priority" schools to offer supplemental services, too.
- Even better, requiring all Title I schools with a significant proportion of poor students below the proficient level (and not on a trajectory to achieve proficiency) to offer supplemental services, regardless of their school rating. View supplemental services as a benefit for students, not as a sanction for schools.
- Even better yet, offer significant financial resources to states that want to create bona fide school choice options (including private ones) for low-income students with lagging achievement.

Conclusion

You deserve credit for developing a serious reauthorization proposal for NCLB 2.0, one that attempts to address some of version 1.0's most critical problems while maintaining its historic focus on closing the achievement gap. It's a reasonable draft. Still, you should aim higher. As you work on final bill language, focus your attention on getting the design principles right, rather than trying to prescribe every element of an ideal accountability system. At the same time, remove the perverse incentives that are likely to push states do act badly. You will produce a law that is less than perfect but better than good. And that would be an important step in the right direction.

Chairman MILLER. Thank you.

Do we have questions from the panel?

Chairman MILLER. Mr. Holt.

Mr. HOLT. Thank you, Mr. Chairman. Let me begin with Mr. Kohlmoos, I was intrigued by your wish to abolish the phrase evidence based and replace it only with scientifically valid research.

In our effort to avoid code words or politically loaded language in this bill, I'd like you to say one or two things that would be measured differently using the one phrase rather than the other, what records would be kept differently?

Mr. KOHLMOOS. The term "scientifically valid" is one that is contained in the Education Sciences Reform Act, as you know, and

outlines a series of nine, or eight, principles to guide the methodological approach to different programs. And that definition we think is much better than the definition of used "scientifically based" research that is currently——

Mr. HOLT. Give us one or two things that would be done differently if we were using that other phrasing.

Mr. KOHLMOOS. I think there would be less of an inclination to immediately have a knee-jerk reaction towards using randomized field trials for everything you could possibly do. This scientifically valid research values high-quality rigorous scientific inquiry, but it emphasizes that the method to be used should be a function of the question being asked rather than the other way around.

Mr. HOLT. Mr. Castellani, having sat on the Glenn Commission with two of your CEOs, Craig Barrett and Ed Rust, and knowing Mr. Ryan from Prudential in my home State of New Jersey, I know how devoted they are to this and how much thought has gone into your recommendations. Nevertheless, we run into a lot of opposition in saying that science should be counted in measurements of progress.

Can you help me explain to the skeptics why we should add one more measurement for yearly progress? Not to me, because I have always maintained science is not just another subject.

Mr. CASTELLANI. Well—and please don't let the committee or you misunderstand me and misunderstand our position. We would support adding science as an addition, not as a substitute. When we look across those skill sets that are necessary for U.S. businesses to be competitive, not only today but in the future, our members who are the chief executive officers of the 160 largest companies in the country find a common shortfall, and that is skills both today and in the future that are in the areas of science, technology, engineering and mathematics. Those skill sets are short now. They will get even scarcer in the future. And the capability for U.S. industry to be able to innovate and compete in an international marketplace is really going to be dependent on the availability of those skill sets. So that is why it is very, very important for the Business Roundtable.

Mr. HOLT. Thank you.

Chairman MILLER. Mr. Hare.

Mr. HARE. Thank you, Mr. Chairman.

Mr. Petrilli, I find your testimony to be very interesting and very thoughtful. I would like to you ask you in layperson's terms—since you are not a lobbyist, you are a think tank guy, as you said—what one or two things specifically do you think we need to do because clearly we are not going to have the initial thing you talked about. What one or two things do you think can make this bill as good as we can get this bill?

Mr. PETRILLI. Thank you for the question, Mr. Congressman.

Again, I think removing this goal of getting 100 percent proficiency by 2014 is very important. That objective has incredible appeal and we all understand why it is important to say No Child Left Behind, but the reality is this is having serious consequences. It really does seem to be driving States to lower their standards, especially States that had very high standards before and are now aiming more towards the middle.

What that means is that if schools are focusing on the bubble kids or trying to get to that proficiency level in States with very low proficiency, it means they are really driving the level of instruction down. I think that would make a huge difference if you found a better way to aim high. Again, I think Education Trust had some good ideas. If States are really aiming for college readiness by the 12th grade, you might aim for 80 or 85 percent instead of 100 percent. The way to think about this may be to focus on the end point: Proficiency really only has meaning when we talk about when the next step is ready in an educational process. So 12th grade proficiency is what really matters by the 12th grade as the student is ready to go on to college or enter the workforce. In grades K to 11, basically, proficiency is to make sure whether or not students are on track for reaching that end result and goal. The focus might be on making sure students are on the trajectory to get to proficiency by the time they graduate high school, and then States may have more incentives to make sure the bar for proficiency is set high and is really meaningful. I think that would be the most transformative thing that you could do to encourage States to lift the bar and have schools lift the level of instruction they are providing.

Chairman MILLER. Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman.

I would like to make a brief statement in response to some of your comments, Mr. Petrilli. It is really to get on the record the fact that I think all of us applaud the notion that the Federal Government should do everything it can to make sure that there is equity in education throughout the country. The fact remains, there have been a lot of statements made that imply States are not trying to do the right thing, avoiding accountability and so forth. I kind of take offense to that. My State was one of the leaders in trying to create a very comprehensive and meaningful assessment program. We were held up as a model several years ago. We are still paying, as every other State is, 90 percent of the bill, local tax dollar, property taxes, financing, education. Many States are doing the best they can.

I don't think there is one Governor, one mayor, who doesn't believe that education is a huge priority. We have accountability level starting with site-based decision making councils at the school level and we have voter-elected school boards, as most districts do. We have a State system that is providing accountability.

So just in terms of getting on the record the fact that I believe No Child Left Behind is important because it sets some standards so that States can't avoid it. But I think most States are doing as good as they can or trying to improve education for everyone.

So when the heavy hand of the Federal Government is held above us, we have to remember that there are a lot of people at ground level working really hard to make sure we accomplish the same goals.

Thank you, Mr. Chairman.

Chairman MILLER. Thank you. Ms. Biggert.

Mrs. BIGGERT. Thank you, Mr. Chairman. Is it Ms. Rodriguez?

Ms. RODRIGUEZ. Yes.

Mrs. BIGGERT. I have Hernandez here.

Ms. RODRIGUEZ. It is Rodriguez.

Mrs. BIGGERT. In your statement you said that Secretary Spellings had announced that finding half of the current members of SES students will get the free tutoring under this law?

Ms. RODRIGUEZ. I am sorry, I didn't actually hear that.

Mrs. BIGGERT. In your statement, there is a reduction of students eligible to receive free tutoring. Could you explain that a little bit more? Is that because there is a high-priority school, then a priority school?

Ms. RODRIGUEZ. I think the change was mentioned earlier; with the identification in the categorization of schools as high-priority schools, now we are talking a more bifurcated approach, two sets of categories, and only the lower number of schools would actually get that recognition. And then the money that is designated would be based on the schools rather than on the districts and that would make a huge impact.

Mrs. BIGGERT. I have two questions on this. Number one, if it is a high-priority school, then all of the students in that school, because they haven't met average yearly, probably would have an opportunity for tutoring, even though some of them did meet——

Ms. RODRIGUEZ. It doesn't play out that way now. The school becomes designated, and then what the district does is identify the lowest performing children in those schools and those are the ones that receive the services.

Mrs. BIGGERT. It is not every student?

Ms. RODRIGUEZ. No.

Mrs. BIGGERT. Is every student eligible?

Ms. RODRIGUEZ. Technically.

Mrs. BIGGERT. Do you know how many schools—they are eligible, but are there a lot of students that really should fit into that category that isn't enough money?

Ms. RODRIGUEZ. No, I don't have that statistic. We have been checking with the Department of Education to get more firm numbers how this would play out if the changes were actually enacted, and we have not gotten good numbers so I would be leery to say something about that.

Mrs. BIGGERT. Thank you. I yield back.

Chairman MILLER. Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

I wanted to follow up on that line of questioning because if a school failed AYP because of one subgroup, should the response to that be targeted to the subgroup that caused the failure, or should the response be spread all over the school, including extra services to subgroups that are already making satisfactory progress?

Ms. RODRIGUEZ. Well, I think, quite honestly, the way the districts have been operating is to identify the subgroup that is not performing at the proficient level. So those are the children that have been actually receiving services. Do I agree with that? Yes, I do actually.

Mr. SCOTT. So it should be targeted to the subgroup that caused the failure?

Ms. RODRIGUEZ. Yes. I think the children with the greatest needs should be the ones that would receive the first option. Now, clearly, some families choose not to do that for a lot of reasons; they may

not have access to providers, et cetera. So once you have hit that mark, then the additional students who then are also eligible, if you break them down according to test scores, those that are below basic, far below basic, et cetera, become eligible.

Mr. SCOTT. The question, though, is if one subgroup failed, everybody else is doing fine, if you have limited funds why wouldn't you put all of the money addressing the problem? Why would you try to spread it out amongst those not having a problem? That might cause some to be technically ineligible.

Ms. RODRIGUEZ. Those that are not eligible don't receive services now. My understanding is they wouldn't receive services under the changes recommended. Although a school is identified as a high-priority school, not all students are eligible for the services. The money isn't going to go that far anyway. They work with the lowest performing groups and, yes, they do target; and we have no problem with targeting the children with the greatest need.

Chairman MILLER. I think if I am correct, as the gentleman stated, in the high-priority schools, current law—in the discussion draft, current law is the same as low-income children across that school because they have failed in a number of different areas. In the priority schools, the school could choose the option of providing these services to those children in that group on the basis of trying to target the resources, and until we know more about how effective these programs are, we think that targeting and choice to local schools—our local school district is one way to go, but that's open for discussion.

Any further discussion? Thank you for your participation and for your suggestions.

Our next panel will be made up of the Teaching and School Leadership Panel. MaryKate Hughes, who is a math teacher from D.C. Preparatory Academy. And I would like to recognize Congressman Mahoney from Florida to introduce the next person on the witness list.

Mr. MAHONEY OF FLORIDA. Thank you, Mr. Chairman, for letting me have this honor of announcing Ms. Rooker, who is from Charlotte County, one of the principals of Neil Armstrong Elementary School. She's been a teacher for 30 years, a master teacher and principal for 3 years. We had a great day together down in the district. This is a person of true passion.

I would also like to point out, Mr. Chairman, we had another person from Charlotte County at an earlier panel, Andrea Messina, who was testifying for the Aspen Institute Commission. And I am real proud of the fact these fine educators and people who care about our children are here representing today.

Chairman MILLER. Thank you. I appreciate you making the recommendation that we should hear it again. I heard from Ms. Rooker down in Florida. And it is pretty compelling.

Next would be Mr. Reg Weaver who is the president of the National Education Association; Kati Haycock who is the president of Education Trust; Antonia Cortese, executive vice president of American Federation of Teachers; Frances Bryant Bradburn, who is the director of instructional technologies, North Carolina Department of Public Instruction; Mary Kay Sommers who is a principal at Shepardson Elementary School in Colorado; and Kristan Van

Hook who is the senior vice president, Public Policy and Development, National Institute for Excellence in Teaching.

Welcome to the committee, we appreciate you making the time available to us for your suggestions.

For those who haven't testified before, you will be given 5 minutes. A green light will be on on the indicators on the table. A yellow light will go on when you have about a minute left, and a red light when we would like you to finish up. But again, we want you to complete your thoughts and make sure you have imparted the information that you think is essential to the committee at this stage of the process.

Chairman MILLER. Ms. Hughes, we will begin with you.

STATEMENT OF MARYKATE HUGHES, MATH TEACHER, D.C. PREPARATORY ACADEMY

Ms. HUGHES. Good afternoon. Thank you for the opportunity to testify today.

I am a sixth grade math teacher at D.C. Prep, a public charter school serving a high-need student population in the poorest census track west of the Anacostia River here in Washington, D.C. Prior to joining the founding faculty of D.C. Prep in 2003, I was a teacher in the District of Columbia, teaching fifth grade.

The mission of D.C. Prep is to prepare our students for excellent college preparatory high schools. Our new students come to us in fourth grade, about 40 percent behind their peers nationally, so they need to make over a year's progress every year in order to be prepared for entrance into these excellent high schools.

Attracting, developing and supporting teachers is critical to our mission because the student achievement goals of D.C. Prep are not attainable without a high-quality faculty.

Since we began over 4 years ago, we have struggled to recruit our outstanding faculty from the existing pool of applicants. This is not an uncommon challenge. Finding professionals who are prepared to create success where so many others have failed is no small task. We realized there is a tremendous need to implement a support structure that enabled highly intelligent, highly motivated teachers who continually improve the effectiveness of their instruction if students were going to continually make more than a year of progress.

The teacher advancement program has provided the framework for us to make this happen in our school. Through career ladders for teachers, objective evaluation and coaching and performance-based pay linked to student achievement, our mission is becoming a reality. For example, students who have been with us for 3 years have doubled their proficiency rate in reading and tripled their proficiency rate in math, compared to their peers in neighboring D.C. Public schools.

Our parents also note positive changes in the students' attitudes and behaviors towards doing well in school. They rate their childrens' attitude toward academic achievement an impressive 4.7 out of 5. Perhaps what makes me most proud is that every single member of our first graduating class was accepted to a high school with over 90 percent graduation rate compared with 55 percent in the District.

I share these things with you to highlight the fact that high-quality teachers do make a difference in student achievement. In fact, they make a critical difference. The question is how do we recruit, train and retain high-quality teachers so that our success is not uncommon. For us the teacher advancement program has been the answer. One of the most powerful aspects of the program is the opportunity for teachers to increase their skills and take on additional leadership roles and responsibilities while remaining in the classroom.

I became a mentor teacher during our first year of implementation in 2005 and this year have advanced to the position of master teacher, overseeing all aspect of TAP implementation. With some creative scheduling, I am able to fill this role and remain a classroom teacher, able to directly impact students. Because of the opportunities created through TAP, I have expanded my influence beyond the students in my classroom. As I work closely with other teachers to develop better instructional techniques throughout our school, their students are also positively impacted. Because of this, I continue to be motivated and excited by my profession.

The importance of support, coaching and career advancement within the classroom environment cannot be overstated. When I began my teaching career, I felt daunted by the prospect of having the same job responsibilities for the rest of my life. I didn't know how to reach all of my students, and I felt isolated and unsure how to move forward. Still, I loved being in the classroom and was hungry for a way to grow professionally that would make a significant impact on my students' achievement. Without the support and knowledge I have gained through TAP and the opportunity to take on new roles and challenges as a mentor—and now I am a master teacher—it is likely I would not still be teaching. It is certain I would not be as effective a teacher as I have become.

Since implementing TAP at D.C. Prep, we have been able to recruit outstanding teaching professionals who I believe typically would not have stayed in the teaching profession. Most of our teachers had multiple job offers in the D.C. Area, and time and again they tell us support, opportunities for career advancement, and financial incentives are the reason they chose our school over the others.

If we want to draw intelligent and highly motivated teachers into the schools that need them most, we need to be prepared to support and reward them. My experience is that good intentions are not enough to compel promising teachers to remain in a profession that can be isolating, with no clear path to success. Performance-based pay incentives provide a focus for teachers in their work afford them opportunities to advance in their work, and make a greater impact and recognize their contributions in a tangible way.

At D.C. Prep our success for students is inextricably linked to our outstanding faculty. TAP is an instrument for attracting qualified candidates to our school because they know they will be supported to improve, and rewarded for their efforts. Thank you.

[The statement of Ms. Hughes follows:]

Prepared Statement of MaryKate Hughes, Master Teacher, DC Preparatory Academy

Thank you for inviting me to testify today concerning the importance of teacher quality to student achievement, and programs proposed by the Committee to fund career opportunity and teacher performance compensation with the goal of increasing student achievement.

I am a 6th grade math teacher at DC Prep, a public charter school in Washington, DC serving a high need student population in the poorest census tract west of the Anacostia River. I joined the faculty at DC Prep as a founding teacher in 2003 when we opened our first school and currently am the Master Teacher, responsible for providing professional development, evaluation, and coaching for teachers at DC Prep in addition to teaching 6th grade math classes.

This past year, I was surprised and honored to be selected by the Milken Foundation as a National Educator of the Year, an award given to only one hundred teachers across the country each year who display exceptional educational talent, inspire and motivate students, colleagues, and their communities, and demonstrate long-range potential for leadership. In addition, I teach an elementary math methods graduate school class at American University.

DC Prep currently manages two campuses, DC Prep Edgewood, which opened in the fall of 2003, and serves 275 students in grades four through eight, and our newly opened elementary school which opened this fall and serves 300 students from preschool to third grade. Currently, sixty percent of our students in these schools qualify for free or reduced price lunch.

DC Prep plans to continue expanding to a total of four elementary and four middle schools by the fall of 2012, serving a total of approximately 2500 students. We plan to locate our campuses in the poorest sections of Washington DC where local schools have about 75 percent free and reduced price lunch students. DC Prep will recruit its student population primarily from these neighborhoods and we anticipate at least 50 percent of the student body at each new school will qualify for free and reduced price lunch.

DC Prep was created to bring the lessons learned in high-performing schools nationwide to bear on the tremendous need in Washington DC and to build an effective organization capable of opening and running high-quality schools on a large scale. We strive to prepare our students, many of whom enter DC Prep far behind their peers academically, to attend and be successful at the most competitive college preparatory high schools.

Our first step was to create one excellent school located in an under-served community and use it as a model to expand into a system of high-performing schools—ultimately serving thousands of children in Washington. DC Prep partnered with the National Institute for Excellence in Teaching (NIET) to bring the Teacher Advancement Program (TAP) to these schools in order to address one of our most pressing challenges—developing and supporting a highly effective teacher for every student.

TAP is a comprehensive, research-based reform designed to attract, retain, support, and develop effective teachers and principals. It combines comprehensive teacher support with performance pay incentives to create an instructional environment that is continually focused on advancing student learning. Attracting, developing, and supporting excellent teachers is crucial to our mission because the student achievement goals of DC Prep schools are simply not attainable without a high quality faculty.

Since we began over four years ago, we have struggled to recruit our outstanding faculty from the pool of applicants we received for teacher and principal positions. This is a challenge faced by schools around the country. What's more, we find that among the applications we do receive, only a small percentage of them meet the standards we have set for teaching excellence (high expectations for all students, demonstrated analytical skills, and a minimum of two years urban teaching experience). Thus, there is a critical need both a) to ensure that DC Prep continues to provide an environment that attracts and retains the most qualified and effective teachers, and b) to expand the number of teachers with the requisite skills and knowledge to respond to DC Prep's growing demand. I believe TAP helps us address both of those needs.

Introduction of TAP at DC Prep

After our first two years of operation of DC Prep Edgewood, a middle school serving grades four through eight, DC Prep began discussions with NIET about implementing the Teacher Advancement Program (TAP), . During our initial years, we had achieved some early academic gains with students who historically were not

achieving at the levels necessary to enter competitive college preparatory high schools. Yet after achieving these gains, our student's achievement scores began to plateau and were not reaching the levels necessary to enable the majority of our students to enter top high schools.

We realized there was a tremendous need to implement a support structure that enabled teachers to continually improve the effectiveness of their instruction if students were going to continue improving academically. TAP had an established track record of success with similar teachers and students in other high need schools. The method for achieving these results was an intensive focus on increasing teacher quality through a comprehensive program that included 1) school based professional development led by Master and Mentor teachers, 2) career opportunities for teachers to take on additional roles and responsibilities with additional pay without leaving the classroom, 3) a fair, rigorous and objective evaluation system for teachers and principals implemented and overseen by their colleagues, and 4) performance based pay incentives for teachers and principals. DC Prep began implementing TAP in the fall of 2005 with the first year serving as a "practice" year, where all aspects of the program were incorporated, but no performance bonuses were awarded.

Student Achievement Results with TAP in the Pilot Year

TAP has been instrumental in building a professional learning community at DC Prep Edgewood where teachers feel both supported and challenged to refine and deepen their craft. This has been done through TAP by fostering a culture of continuous professional growth and reflection, creating multiple career paths for teachers, and rewarding effective teaching as demonstrated by student achievement. The introduction of weekly TAP cluster groups—small groups of teachers discussing instructional skills and strategies for students—along with bi-monthly interim assessments has ensured periodic monitoring of student progress and given faculty the data and skills to continuously tailor instruction to areas of academic need throughout the school year.

When asked how TAP has impacted her own teaching, one DC Prep language arts teacher responded TAP has raised the level of professionalism in our school community and created a culture of reflective practitioners who strive to be the best teachers they can be. Personally, the support and coaching which TAP has provided to me has allowed me to grow tremendously as a professional and has ultimately made me a more effective teacher as evidenced by the growth of my students.

With the support of TAP, we have been able to demonstrate success and ensure our students—even those who enter the school far below grade level—are prepared for future academic and career success. For example:

- Students who have been at DC Prep for three years have doubled their proficiency rate in Reading and tripled their proficiency rate in Math compared to their peers in neighboring DC public schools, as measured by the DC-CAS, the public standardized test used by the District.
- Roughly 60 percent of three-year veteran students (6th and 7th graders) achieved proficiency or higher on the DC-CAS in the spring of 2006.
- Parents also note positive changes in their children's attitudes and behaviors as a result of a DC Prep education. When presented with the following statement: "Since coming to DC Prep my child thinks doing well in school is * * * 1 (Not Important), 3 (Somewhat Important), 5 (Very Important)," parent rankings averaged a very positive 4.7.

Career Opportunities

One of the most powerful aspects of this program is the opportunity it creates for teachers to increase their skills and take on additional roles and responsibilities while remaining in the classroom. I became a mentor teacher during the first year of the program in 2005, and in this position was responsible for providing professional development, individualized support, coaching, and conducting evaluations for career teachers. To accomplish these tasks, I was provided with release time from my own classroom for several hours each week.

This year I am serving as the Master Teacher at DC Prep Edgewood, overseeing a team of several Mentor Teachers. Together with the Principal and Assistant Principal, we make up the "leadership team" for the school and set school-wide goals based on data and student needs, as well as provide professional development, coaching and evaluation for our career teachers.

As the master teacher, it is my role to provide ongoing, applied professional development, and observe, evaluate, and coach the faculty at DC Prep. In this role, I identify research-based strategies for teachers to use in addressing specific needs of students in their class. We identify these needs through standardized testing and classroom based assessments, as well as taking into account each teacher's indi-

vidual evaluation of classroom skills and knowledge. After field testing the strategies to tailor them to our specific student population, I plan and implement clusters for teachers to learn the strategies for classroom implementation. Finally, I manage the teacher evaluation process, observing teachers in the classroom and providing specific and individual feedback for each teacher afterwards for the purpose of professional growth.

Being involved in TAP has expanded my influence beyond the students in my classroom. It has allowed me to develop my own teaching expertise, which has brought instruction in my classroom to a higher level. As I work closely with other teachers to develop better instructional techniques throughout our school, their students are also positively impacted. Further, I've been able to connect with other outstanding educators throughout the country, which has expanded my scope of understanding about successful teaching techniques and strategies. Because of these opportunities, I continue to be motivated and excited by my profession.

The importance of support, coaching, and career advancement within the classroom environment cannot be overstated. When I began my teaching career, I felt daunted by the prospect of having the same job responsibilities for the rest of my life. I did not know how to reach all of my students and I felt isolated and unsure how to move forward. Still, I loved being in the classroom and was hungry for a way to grow professionally in a way that would make a significant impact on student achievement. Without the support and knowledge I have gained through TAP, and the opportunity to take on new roles and challenges as a Mentor and now a Master Teacher—opportunities that have advanced my career and skills but kept me connected to teaching students in the classroom—it is likely I would not still be teaching. I certainly would not be as effective a teacher as I am.

Performance Pay

DC Prep did not award performance pay in its first year of TAP since we treated this as a practice year. This past year was the first year teachers received performance pay bonuses. I believe the establishment of performance pay at DC Prep is one factor that has helped to focus teachers on the specific student achievement goals we have for our students. Bonuses for increased student achievement do not by themselves improve teacher skills, but they do provide concrete goals for teachers and they reward and acknowledge outstanding effort. The other aspects of TAP—professional support, coaching, evaluation and career opportunity—are essential to complement performance pay as they provide a mechanism for teachers to improve their practice and to increase student achievement on a consistent basis.

Since implementing TAP at DC Prep, we have been able to recruit outstanding teaching professionals who I believe typically would not have stayed in the teaching profession. On the math team last year, we had a teacher who had been a successful technology consultant as well as another who was an experienced engineer. Both of these teachers were high-achieving in their first careers, but came to teaching for the altruistic reasons typically attributed to many who join the teaching profession. However, my experience is that good intentions are not enough to compel the best and the brightest to stay in a profession that can be isolating and challenging with no clear path to success. Policies promoting performance based pay need to do more than simply offer financial incentives and bonuses. They need to provide a mechanism for intelligent, highly motivated individuals to become and remain teachers who make a positive impact on student achievement.

Teacher Retention and Satisfaction

Entering our third year with TAP at DC Prep, we have found it has had a positive impact on both teacher satisfaction and retention. While teachers at DC Prep are already highly motivated and professional individuals, TAP provides the structure for us to create a school-wide instructional environment that continuously focuses on the best teaching practices and student achievement. This creates an outlet for teachers to experiment and share ideas, improve instruction within the classroom, and advance student learning together, while providing support and development training. This has been invaluable in our work to keep our students on the upward path to higher achievement as well as our efforts to attract and retain the most qualified, highly-motivated faculty. TAP is the reason many teachers choose our school over others, and it is one of the reasons these outstanding teachers remain at our school. It is a key ingredient to our success.

We recently received the results from the standardized test our children take to show progress for the No Child Left Behind Act. Over the past four years, our average new 4th grader comes to DC Prep about 40 percent behind the national average achievement in math and reading. It is our mission to make up that gap in the five years they spend with us. We had our first graduating class this past spring, and

so we looked forward to our scores with anticipation. As the head of the math team, I was particularly eager to see our math scores. As has been typical for us, fewer than 40 percent of our 4th graders scored proficient or better on the math test. The longer our students had been at the school, the higher their scores: 65 percent of our 6th graders and 87 percent of our 8th graders scored proficient or better this past year in math. While there are many factors that contribute to student success, much of the credit for this incredible improvement lies with the faculty of our school. TAP has been a successful tool for us to be able to recruit, train, support, and reward our faculty for creating this kind of achievement.

Performance Based Pay One Part of Comprehensive Teacher Quality Solution

Performance based pay systems should be a small part of a comprehensive plan to improve the recruitment, retention, and training of quality teachers. In our experience at DC Prep, TAP is a vehicle for attracting more qualified candidates to our school because they know they will be supported to improve and rewarded with high student achievement. The performance based pay incentives within TAP provide a focus for teachers in their work, afford them opportunities to advance and make a greater impact, and recognize their significant contributions in a tangible way.

Chairman MILLER. Thank you very much. I was remiss; I want to say I was honored to be at the ceremony when you received the Milken Foundation Prize as educator of the year.

Ms. HUGHES. Thank you, I was honored.

Chairman MILLER. I was honored to be at your school 2 weeks ago. I spent most of my time trying to teach the students how to be a pirate, but we got along famously. But thank you for gathering the educators that you did on that morning so that I could hear a cross-section of thought about No Child Left Behind.

Chairman MILLER. Ms. Rooker.

STATEMENT OF KATHLEEN ROOKER, PRINCIPAL, NEIL ARMSTRONG ELEMENTARY SCHOOL

Ms. ROOKER. Thank you for welcoming me here today, Mr. Chairman. I would hire you anytime.

Chairman MILLER. You may have to.

Ms. ROOKER. I speak to you today, though, from the school house level. I am a school principal and so many of us school principals agree on the intent of this act. No child should ever enter a classroom unless there is a well qualified and certified teacher standing at that door. No child should be in a classroom unless good teaching and learning take places every day in that room. And no child should enter a classroom unless their teacher sees them as a worthwhile and capable individual and learner.

Schools should be held to a high level of accountability as they are responsible for our most special resource, our children. This act hoped to put a stop to the schools that failed to live up to that obligation, our D and F schools. But along the way, as it addressed the failing schools, there were some unexpected and unwelcome consequences involving successful Title I schools.

Two and a half years ago I was appointed principal at Neil Armstrong Elementary School, Charlotte County, Florida, a Title I school that had not made AYP previously for 3 consecutive years. The percentage of students at Neil Armstrong on free and reduced lunch is the highest in the district. The school also is a center school for the District for ELL learners and children with cognitive disabilities such as autism.

There were no changes in staff made when I took on the principalship. The staff focused on aligning their teaching goals with State standards. Teaching strategies were based on research-based strategies that have the best research base that they will make the positive difference in academic achievement in children.

At the end of my first year there, 05-06, the school made AYP for the very first time. During this past school year, 06-07, we continued our emphasis on power standards and research-based strategies. On State accountability tests the percentage of students meeting high standards of reading improved from 71 percent to 82 percent from the previous year. In mathematics the percentage meeting high standards improved from 62 percent to 87 percent. The percentage making learning gains in reading improved from 65 to 77 percent, while the percentage making learning gains in math improved from 66 to 80 percent. The percentage of that lowest quartile making gains in reading improved from 69 percent to 80 percent, while 74 percent, the lowest quartile, made gains in math.

The excitement grew at our school about the gains in student achievement as the State of Florida rewarded school grades to the school districts and individual school. I am fortunate to work in a school district that has been graded an A consistently.

In order to receive a grade of A, a school must achieve 525 points. These points are awarded based on the percentage of students meeting high standards as well as the percentage making learning gains and the percentage of students moving out of that lowest quartile.

Neil Armstrong was awarded 620 points. That was the highest number of points in the District and ranked us 17th among the entire State of Florida. The school was ready to enjoy the distinction of having two consecutive years of AYP. Certainly since school achievement was up double digits from the previous year when we made AYP, 06-07 AYP would be no problem.

Unfortunately, Neil Armstrong did not make AYP despite these double-digit improvements in math and reading. Regardless of the significant academic improvement from the previous year when the school was judged as making AYP, the school was required to begin the year by sending out a letter to every parent of every student identifying our school as a school in need of improvement. Parents were offered an opportunity to send their children to another school and were offered supplemental educational services. Our outstanding staff was heartbroken. Should our school not make AYP this year, despite our outstanding academic achievement, we will be forced to redesign our school and we will be forced to redesign our staff and administration.

Neil Armstrong succeeds when students succeed. Our students are succeeding, yet the evaluation of our school is based on a flawed process. Success or failure is based on a single test score. Neil Armstrong with disabilities and Hispanic students were not capable test takers that day. Students that are not capable test takers will label a school a school in need of improvement. A school labeled as a need of improvement faces punitive sanctions. Instead of celebrating our academic achievements with the community or students and staff, we are busy transferring students to neighboring schools, finding new bus routes to get students there, and

trying to explain to some less than capable supplemental educational services providers what a school academic goal should even look like, because some of them have not a clue.

We are chasing down parents until we get a response from 51 percent of our parents as to whether they wish the service of an SES provider or not. Our community and our students deserve a better use of our time. Schools believe in value effective and comprehensive accountability systems, but an accountability system that is just keeping a single score and makes victims out of schools is not an accountability system that gives much information about classroom teaching and learning or about teaching practices and curriculum. It is a system that ignores the indicators of a viable school curriculum.

I thank you for this opportunity.

[The statement of Ms. Rooker follows:]

Prepared Statement of Kathleen Rooker, Principal, Neil Armstrong Elementary School

Two and one half years ago I was appointed principal of Neil Armstrong Elementary School in Charlotte County, Florida, a Title 1 school that had not made AYP for three consecutive years. The percentage of Neil Armstrong students on free and reduced lunch is the highest in the district. The school also is a center school for English Language Learners and students with cognitive disabilities such as autism.

There were no changes in staff made when I assumed the principalship. The staff focused on aligning their teaching goals with state standards. Teaching strategies were based on researched based strategies that have positive effects on student learning. At the end of the 05/06 school year, the school made AYP for the first time.

During the past school year (06/07) we continued our emphasis on power standards and researched based teaching strategies. On the state accountability tests the percentage of students meeting high standards in reading improved from 71% to 82% from the previous year. In mathematics the percentage meeting high standards improved from 62% to 87%. The percentage making learning gains in reading improved from 65% to 77% while the percentage making learning gains in math improved from 66% to 80%. The percentage of the lowest quartile making gains in reading improved from 69% to 80% while 74% of the lowest quartile of students made gains in math.

The excitement about the gains in student achievement grew as the state of Florida rewarded school grades to school districts and individual schools. Charlotte County is an outstanding school district and has consistently been awarded a grade of A. In order to receive a grade of A, the school must earn at least 525 points. Points are awarded based on the percentage of students meeting high standards as well as the percentage making learning gains and the percentage of the lowest quartile that make learning gains. Neil Armstrong was awarded 620 points, the highest number of grade points in the district and 17th among all public schools in Florida. The school was ready to enjoy the distinction of 2 consecutive years of earning AYP. Certainly, since student achievement was up by double digits from the previous year when the school made AYP, 06/07 AYP would be no problem.

Unfortunately, Neil Armstrong did not make AYP despite these double digit improvements in math and reading. Regardless of the significant academic improvement from the previous year when the school was judged as making AYP, the school was required to send a letter to every parent of a student at the school identifying it as a school "in need of improvement". Parents were offered an opportunity to send their child to another school and were offered Supplemental Educational Services. Our outstanding staff was heartbroken. Should the school not make AYP this year, despite outstanding academic achievement, we will be forced to redesign our school.

Neil Armstrong succeeds when students succeed. Our students are succeeding. Yet the evaluation of our school is based on a flawed process. Success or failure is based on a single test score. Neil Armstrong students with disabilities and Hispanic students were not capable test takers. Students that are not capable test takers will label a school a "school in need of improvement."

A school labeled as "in need of improvement" faces punitive sanctions. Instead of celebrating our academic achievements with the community, students and staff, we are busy transferring students to neighboring schools, finding new bus routes to get

students there, trying to explain to some less that capable SES providers what an academic goal should look like, and chasing down parents until we can get a response from at least 51% of them as to whether they wish to use the service of an SES provider. Our community and students deserve a better use of our time.

Schools believe and value effective and comprehensive accountability systems. But an accountability system that is just keeping a single score and makes losers out of schools is not an accountability system that gives much information about classroom teaching and learning or about teaching practices and curriculum. It is a system that ignores the indicators of a viable school curriculum.

You selected:
District: CHARLOTTE
Years: 2006-2007, 2005-2006
School Grades: A
Report Type: School Grades

School Accountability Report

School Number	School	Level	School Year (Click on year to see detailed report)	Grade (Includes Learning Gains) more info	% Meeting High Standards in Reading	% Meeting High Standards in Math	% Meeting High Standards in Writing	% Meeting High Standards in Science	% Making Learning Gains in Reading	% Making Learning Gains in Math	% of Lowest 25% Making Learning Gains in Reading	% of Lowest 25% Making Learning Gains in Math	Bonus points for 11th-12th grade Retakes	Earned (Sum of Previous 9 Columns) more info	Percent Tested	% Free and Reduced Lunch	Minority Rate
								Charlotte									
0111	NEIL ARMSTRONG ELEMENTARY	Elementary	2006-07	A	82	87	87	53	77	80	80	74	NA	620	100	71	45
		Elementary	2005-06	A	71	62	94		65	66	69			427	100	72	40

Chairman MILLER. Mr. Weaver.

STATEMENT OF REG WEAVER, PRESIDENT, NATIONAL EDUCATION ASSOCIATION

Mr. WEAVER. When I came before you in March at the outset of the SEA reauthorization process, I expressed hope that we would have an opportunity for renewed broad and bold and national discussion about how to improve and support public education.

Mr. Chairman, in July you indicated that No Child Left Behind, as it has played out in the field, is not fair, not flexible and not funded and we agree. So this is an opportunity for a major course correction, and for us it is about more than fixing No Child Left Behind's accountability provisions. Our members care deeply about this process and its outcome because they have lived for more than 5 years under a system that was crafted without enough of their input and has had negative unintended consequences. They are counting on a thoughtful process this time and a bill that recognizes the flaws of the current test label punish theory of education reform.

The bottom line is this. We do not believe the committee'S first discussion draft of Title I adequately remedies the problematic provisions of the current law. The draft provisions around growth models and meaningful multiple measures are too rigid. They do not represent a greater fairness or flexibility. They represent more one-size-fits-all approach prescriptions from the Federal level. And this reauthorization should send a message to students that they are more than just a test score. We should be sending a message to educators that the art and practice of teaching is and must be about more than just test preparation.

Unfortunately, this draft misses the mark about how to adequately serve and educate all children. It avoids, once again, the more difficult discussion of what services and outcomes are important for all stakeholders to be held accountable. We have been hopeful that this reauthorization finally would address the funda-

mental truth and the real education accountability. And that real education accountability is about shared responsibility to remedy intolerable opportunity gaps. Yet, 50 years after Brown v. the Board, too many policymakers at all levels still seem unwilling to do anything but point the finger and avoid responsibility. It is time to force a dialogue about how to share in that responsibility.

In reviewing the committee draft, we find an entirely insufficient focus on the elements of our positive agenda that would truly make a difference in student learning and success. These include class size reduction, safe and modern facilities, early childhood education, and a real attempt to infuse 21st century skills and innovation into our schools. We find no recognition of the impact of teaching and learning conditions on teacher recruitment and retention, particularly in the hardest-to-staff schools. Instead we find more mandates and even more prescriptive requirements.

We are greatly disappointed that the committee has released language that undermines educators' elective bargaining rights. This is an unprecedented attack on a particular segment of the labor community, the Nation's educators.

Finally, let me address a point about which there should be no mistake. NEA cannot support Federal programs, voluntary or not, that mandate pay for test scores. To mandate a particular evaluation or compensation term of a contract would be an unprecedented infringement upon collective bargaining rights as well as protections. We think this to be offensive and disrespectful of educators.

We are not able to support the Title I or Title II discussion draft as it is currently written. We are hopeful that the committee will take the time to get it right. Our members are not afraid of those who hurl accusations about what is in their heart every day when they teach and care for our Nation's young people. Our members are united and will stand firm in our advocacy for a bill that supports good teaching and learning and takes far greater steps toward creating great public schools for every child.

Thank you, Mr. Chairman and committee.

[The statement of Mr. Weaver follows:]

Prepared Statement of Reg Weaver, President, National Education Association

Chairman Miller, Ranking Member McKeon, and distinguished Members of the Committee, on behalf of the 3.2 million members of the National Education Association, thank you for inviting us to speak with you today about the reauthorization of the Elementary and Secondary Education Act (ESEA).

When I came before you in March at the outset of this process, I expressed our members' hope that this ESEA reauthorization would finally offer an opportunity for a renewed, broad, and bold national discussion about how to improve and support public education. I shared with you that I had appointed a very thoughtful and diverse committee of our members to help outline what, in our view, would be a positive reauthorization of ESEA. They worked for over two years—hearing from experts, digesting volumes of research, and listening to practitioners across the country—to come up with not just recommendations about how to change AYP, but substantive, thoughtful recommendations about how to define and create a great public school for every child.[1]

Simply put, this reauthorization is and should be about more than tweaking the No Child Left Behind portions of ESEA. It should be a comprehensive examination

[1] ESEA: It's Time for a Change! NEA's Positive Agenda for ESEA Reauthorization, *http://www.nea.org/lac/esea/images/posagenda.pdf.*

of whether federal policies follow what the research says about how children learn and what makes a successful school.

Mr. Chairman, in July you indicated that No Child Left Behind as it has played out in the field is not fair, not flexible, and not funded. We agree. So, this is the opportunity for a major course-correction. As we speak, our ESEA Advisory Committee, as well as our members and affiliates, are still analyzing the Title I draft just released last week to determine what the proposed changes would mean in their state and district systems and, more importantly, whether they will improve America's classrooms for our students. And, these same members and affiliates will also begin analyzing the 601 pages for the remaining titles released just days ago. We will use those analyses to inform this Committee about the impact of the proposals across the country.

It is important that you all understand that our members care deeply about this process and its outcome because they have lived for more than five years under a system that was crafted without enough of their input and that has proven to be unworkable and in too many cases has had negative, unintended consequences. They are counting on a thoughtful process this time and a bill that recognizes more than just the technical flaws with the statute, but the conceptual and philosophical flaws of the current test-label-punish theory of education reform.

The bottom line is this: While we applaud the Committee for identifying most of the problematic provisions of the current law, we do not believe the Committee's first discussion draft of Title I adequately remedies them.[2]

We are pleased that the draft includes the concepts of growth models and multiple measures in an attempt to get a more accurate picture of student learning and school quality. These provisions, however, are inadequate, as the accountability system the Committee envisions still relies overwhelmingly on two statewide standardized assessments. This does not give real meaning to the growth model and multiple measure concepts and defies the advice of assessment experts across the country, some of whom are here today.

For example, shouldn't we truly value the percentage of students taking Advanced Placement or honors courses not only as an indicator of the number of students receiving a more challenging educational experience, but also as some indication of areas where access to these curricular offerings is limited? We do not believe that prescribing a limited list of measures that states can use and not allowing them to propose other indicators in crafting meaningful accountability systems is in keeping with measurement experts' guidance about multiple sources of evidence. We do not believe this represents greater fairness or flexibility. Rather, it represents more one-size-fits-all prescription from the federal level.

Again, this reauthorization for us is about more than fixing AYP and other provisions that have been problematic; it's about recognizing that providing a quality education to every student takes more than a measurement system. It's about sending a message to students that they are more than just test scores. We should care as much OR MORE about whether a child graduates after receiving a comprehensive, high-quality education as we do about how he or she performs on a standardized test. We should be sending a message to educators that the art and practice of teaching is and must be about more than test preparation. If the only measures we really value are test scores, rather than some of the other indicators of a rich and challenging educational experience and set of supports provided to students, then we will have missed the mark again about adequately serving and educating all children. We will have avoided yet again the more difficult discussion of what services AND outcomes are important for all stakeholders to be held accountable.

We should all keep in mind that the original purpose of ESEA was to attempt to remedy disparities in educational opportunities and resources for poor children. To that end, we have been hopeful that this reauthorization finally would address the fundamental truth that real education accountability is about shared responsibility to remedy intolerable opportunity gaps.

Again, as I stated in March, if one of our goals is to remedy achievement and skills gaps that exist among different groups of students in this country, we cannot do so without also addressing existing opportunity gaps. Why is it that 50 years after Brown vs. Board, and after 30 years of litigation in 44 states to address equitable and adequate educational opportunities and resources, policy makers at all levels still seem unwilling to do anything but point fingers and avoid the responsibility to tackle this insidious problem, which continues to plague too many communities and students? This is about more than disparities in per pupil spending across states, within states, and within districts; it's about disparities in the basics

[2] We have previously provided the Committee with detailed comments about the Title I discussion draft.

of a student's life—disparities in the learning environments to which students are subject, disparities in the age of their textbooks and materials, disparities in course offerings, disparities in access to after-school help and enrichment, and yes, disparities in access to qualified, caring educators.

Given the fact that so many Title I students are not fully served due to current funding levels and historically haven't been, we have been hopeful that THIS reauthorization would mark an opportunity to address these inequities from a policy standpoint, not just an appropriations standpoint. It's past time to stop pointing fingers about whose responsibility it is to address opportunity gaps. It's time to force a dialogue about how to share in that responsibility.

In a preliminary reading of the remaining titles of the Committee's ESEA reauthorization discussion draft,[3] we find an entirely insufficient focus on the elements of our Positive Agenda that would truly make a difference in student learning and success. These include early childhood education, class size reduction, safe and modern facilities, and a real attempt to infuse 21st century skills and innovation into our schools to ensure that public education in this country is relevant and engaging to students in the changing, inter-dependent world. We can find no significant discussion of the fact that teaching and learning conditions are one of the two main factors (low salaries being the other) that continue to create the teacher recruitment and retention problem, particularly in the hardest to staff schools.

Instead, there are more mandates and even more prescriptive requirements. This will detract from the essential element of public education: good teaching and learning. More mandates aren't magically going to make kids read at grade level or perform math on grade level. Tweaks to the measurement system won't ensure that students perform any better on assessments. Good teaching practice, involved parents and communities, and engaged students will do that.

We are gravely disappointed that the Committee has released language in Title I and Title II that undermines educators' collective bargaining rights. This is an unprecedented attack on a particular segment of the labor community—the nation's educators. Time and time again, our members in bargaining states don't simply negotiate about money, they negotiate about the very conditions that impact teaching AND learning. In almost every circumstance, those conditions—class sizes, professional development, collaborative planning time to name just a few—have a direct impact on students.

Finally, let me address a point about which there should be no mistake. NEA cannot support federal programs—voluntary or not—that mandate pay for test scores as an element of any federal program. Teachers aren't hired by the federal government; they are hired by school districts. As such, the terms and conditions of their employment must be negotiated between school districts and their employees. To attempt to enact any federal program that mandates a particular evaluation or compensation term of a contract would be an unprecedented infringement upon collective bargaining rights and protections.[4] This is offensive and disrespectful to educators.

We are not able to support the Title I or Title II discussion draft as currently written. We are hopeful that the Committee will take the time to get this right. In essence, we urge you not to rush to mark up a bill that would lead to yet another set of unintended consequences.

In closing, I want to emphasize that our members are not afraid of those who hurl accusations about what's in their hearts every day when they teach and care for our nation's students. Our members are united and will stand firm in our advocacy for a bill that supports good teaching and learning and takes far greater steps toward creating great public schools for every child.

APPENDIX.—PROFESSIONAL PAY FOR THE PROFESSION OF TEACHING

July 23, 2007

The profession of teaching should offer a brilliant and rewarding field for professionals committed to the success of their students. Unfortunately, today's teachers still struggle with fundamental needs. Too often, teachers barely make ends meet, find insufficient support for quality professional development and are inconsistently compensated for assuming additional, demanding responsibilities.

Compensation systems must be designed to firmly establish teaching as a respected profession and improve student learning through improved teacher practice.

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[3] We will provide a detailed analysis of the remaining titles of the Committee's draft by the Committee's September 14th deadline.

[4] We have attached to this testimony a more detailed explanation of our views regarding professional pay for educators.

A comprehensive pay system must support factors shown to make a difference in teaching and learning—the skills, knowledge, and experience of classroom teachers.

NEA supports key strategies that can meet these goals. Congressional leadership can accelerate the advancement of the profession of teaching and improve conditions for student learning through the actions outlined here.

1. Express support for improved starting salaries.

We know that quality teachers are the key to providing Great Public Schools for Every Student. In order to attract and retain the very best, we must pay teachers a professional level salary. We must ensure a $40,000 minimum salary for all teachers in every school in this country. While that is primarily a state and local government responsibility, Congress can express support for this minimum salary in the ESEA reauthorization.

2. Through congressional action, take advantage of the flexibility of salary schedules now in place to offer incentives for teachers to gain additional skills and knowledge and for taking on challenges and additional responsibility.

Compensation systems now have the flexibility to accommodate some immediate changes. Congressional action that takes advantage of what is already in place will make more of a difference, faster, than trying to reinvent the system.

NEA recognizes the need in many jurisdictions to bargain (or mutually agree to, where no bargaining exists) enhancements to the current salary schedule. NEA already supports many ideas to enhance the single salary schedule. Congressional support for diverse approaches could spur needed change and enable local school districts to tailor action to their specific educational objectives.

NEA supports:

- Incentives to attract qualified teachers to hard-to-staff schools.
- Incentives for the achievement of National Board Certification.
- Incentives for teachers to mentor colleagues new to the profession.
- Incentives for accepting additional responsibilities such as peer assistance or mentoring.
- Additional pay for working additional time through extended school years, extended days, and extra assignments.
- Additional pay for teachers who acquire new knowledge and skills directly related to their school's mission and/or their individual assignments.
- Additional pay for teachers who earn advanced credentials/degrees that are directly related to their teaching assignments and/or their school's mission.
- Group or school-wide salary supplements for improved teacher practice leading to improved student learning, determined by multiple indicators

3. Include in the ESEA reauthorization a competitive grant program that provides funds on a voluntary basis to states and school districts to implement innovative programs such as those listed in item two.

ESEA offers the opportunity to provide incentives to strengthen the profession of teaching. In constructing those incentives, NEA believes that federally-supported programs will be most effectively implemented when teachers have the opportunity to understand them and option to embrace them. Therefore, any such federal program for compensation innovations must require that such program be subject to collective bargaining, or where bargaining does not now exist, subject to a 75 percent majority support vote of the affected teachers.

4. NEA opposes federal requirements for a pay system that mandates teacher pay based on student performance or student test scores.

There are innumerable reasons for steering away from such schemes: tests are imperfect measures; student mobility in a given district or classroom might be high, skewing the system; test scores are not the only measure of student success; single year test scores do not measure growth. In addition, a federal mandate that requires test scores or student performance as the element of a compensation system undermines local autonomy and decision making.

To be clear: NEA affiliates at the local and state levels are open to compensation innovations that enhance preparation and practice which drive student performance. NEA underscores that in those circumstances, local school administrators and local teacher organizations must work together to mutually decide what compensation alternatives work best in their particular situation. The federal government can play a role in providing funds to support and encourage local and state innovations in compensation systems, but the federal government should leave the specific elements to be decided at the local level.

Chairman MILLER. Ms. Haycock.

STATEMENT OF KATI HAYCOCK, PRESIDENT, EDUCATION TRUST

Ms. HAYCOCK. Chairman Miller and members of the committee, thank you very much for the opportunity to testify this afternoon. As I think many of you know, I and my colleagues at the Education Trust spend most of our time not here in Washington, but in schools in districts around the country.

Our experiences over the last couple of years have left us very much encouraged about the impact of your bold leadership to date. Schools across the country are unquestionably more focused on student learning. And we are no longer sweeping the underperformance of some groups of kids underneath the rug. But though the data unquestionably shows some progress, it is a sobering reminder of how much remains to be done.

Today, roughly six in ten of our African and Latino fourth graders can't even read at the basic, much less the proficient level. That means in other words that today a majority of our African American and Latino kids at fourth grade cannot read. If you look up at the 12th grade, what you see very clearly is African American and Latino youngsters performing in both reading and math at about the same level at their white eighth grade counterparts.

No matter how you think about our future as a country, whether it is in economic terms or in terms of the health of our democracy, what is clear is this: We continue to need to stretch goals. We cannot back down now. Clear and high goals, in other words, are hugely important if we are both going to raise overall achievements in this country, but also close once and for all the gaps between groups that have haunted us for so long.

As Mr. Miller said so clearly in this morning's Washington Post, however, we are not going to get there with just goals alone. We have to close the gaps in teacher quality as well. Let me be clear here. I do not want to suggest that there aren't some great teachers in high poverty schools. There certainly are. And I get a chance to watch some of those teachers almost every week. But no matter which measure of teacher quality you use, it is very clear that high poverty schools and the children they serve continuously come up on the short end.

Certainly teachers are not the only things that matter in terms of student achievement. Curriculum matters a lot, effective principals matter a lot, and so do parents. We all certainly know that. But overwhelming evidence makes it abundantly clear that teachers matter more than anything else. The students who have a sequence of strong teachers in a row will soar, no matter what their family background, or kids that have two or three weak teachers in a row literally never recover.

Now, largely because of your leadership back in 2000-2001, NCLB itself addressed issues of teacher quality much more thoroughly than any previous iteration of the Elementary and Secondary Act. But as I know you all know, we didn't make anywhere near the kind of progress that you had hoped to bring about in a fair distribution of teacher talent.

We have learned a lot along the way about how to do even better. In our judgment, the discussion draft that you produced does a terrific job of addressing almost all the lessons that we have learned

to date, including the need for better data systems, a need for increased clarity—which actually means when you say the poor kids deserve their fair share of strong teachers—and also providing generous support for teachers to work in and succeed in high poverty schools.

Two provisions are hugely important. Number one, first among these is really the proposed changes in the comparability requirements of the law. As I think all of you know, current Federal law is based on a fundamental fiction. It is the idea that a school within a district gets the same amount of State and local dollars as its neighbor across town and that Federal dollars come to you if you have more poor kids so you can provide them extras on top of that even base.

Unfortunately, the comparability test that you provided in current law makes that a fiction, because you allow the exclusion of teacher salary, which is the majority of school budget from those calculations.

Our research in California, and Texas and elsewhere shows what that means is that schools that are predominantly black, or Hispanic or high poverty in a district may get a quarter million or a half million, if they are a high school, maybe even a full million dollars less than the exact same school on the other side of town that has more wealthy kids. That is a real abuse. It is a rip-off Federal dollars that are intended to provide more to poor kids and provides Federal cover for a deep injustice.

Thankfully, your proposed provisions will end that once and for all. We hope you don't back down.

The second, though, is lets be clear. Nobody wants to attain a better balance of teacher talent by dragging teachers kicking and screaming from one school to another. Nobody wants to do it that way. To achieve that goal, districts need to make schools with lots of poor kids attractive to teachers to teach.

The committee draft takes important steps enabling schools to do that by dealing with these resource questions, by authorizing incentive and performance pay, and by continuing the concentrations of Title II dollars in the districts that serve the most poor kids. You could, and we hope will, go one step further to make sure those Title II dollars get to the schools that actually need them the most.

In the weeks ahead I have no doubt that you will undoubtedly get a lot of pushback about those provisions. They will be labored a big Federal intrusion, robbing Peter to pay Paul, a Robin Hood scheme, just to name a few. I hope you remain steadfast in your commitment to right that wrong. Nobody has suggested that poor kids need to have all of the good teachers, we have only asked that they get their fair share. Given the huge importance of quality teachers, that is common sense and it is also common decency.

Thank you, sir.

Chairman MILLER. Thank you.

[The statement of Ms. Haycock follows:]

Prepared Statement of Kati Haycock, President, the Education Trust

Mr. Chairman, Mr. McKeon, and Members of the Committee, thank you for providing me with the opportunity to testify before you this morning on the reauthorization of the No Child Left Behind Act, in particular about the teacher quality provisions.

This Committee has shown great leadership not only in confronting the achievement gap in our public schools, but also in recognizing that improving the quality of teaching at high-poverty and high-minority schools is the most effective gap-closing strategy. While the No Child Left Behind Act (NCLB) addressed teacher quality issues more directly and thoroughly than in any previous authorization of the Elementary and Secondary Education Act, it is has not yielded all the needed and hoped-for change. There is still much to do. And there are some very clear "lessons learned" from the last five years that point toward more effective policies.

The Committee's discussion draft embraces many of those lessons and proposes important and constructive changes to the current law. The draft, however, leaves one huge problem unaddressed.

The positive changes in the draft include:

• Support for better information and data management systems that will allow state and local policymakers and administrators to make informed, rational and just decisions about the deployment of teacher talent;

• Increased clarity about Congressional intent on the equitable distribution of teachers;

• The demand for real fiscal comparability between Title I and non-Title I schools; and

• Powerful incentives and supports for teachers to work at and succeed in hard-to-staff schools.

There is, however, some unfinished business in the draft. It neglects to correct one of the most glairing shortcomings of the original law. The current law fails to target Title II funds to the hardest-to-staff or highest-poverty schools. And the draft, as it stands, makes the same mistake. While it is the clear intent of the law that these funds reach these schools, we know from the experience of the last five years that without clear direction from Congress, Title II money will not benefit the schools that need the most help.

We Know That Good Teachers Make an Enormous Difference

Researchers are finding that strong teachers make a huge difference for our most educationally vulnerable kids.

• Researchers in Texas concluded in a 2002 study that teachers have such a major impact on student learning that "* * * having a high quality teacher throughout elementary school can substantially offset or even eliminate the disadvantage of low socio-economic background." [1]

• A recent analysis of Los Angeles public school data concluded that "having a top-quartile teacher rather than a bottom-quartile teacher four years in a row would be enough to close the black-white test score gap." [2]

• A second study in Texas showed that the teacher's influence on student achievement scores is twenty times greater than any other variable, including class size and student poverty.[3]

But the Students Who Most Need Good Teachers Don't Get Them.

Despite these and other studies that document the tremendous power that great teachers have to help students overcome the burdens of poverty and racism, we persist in providing those who need the most from their teachers with the teachers who have the very least to offer them.

• Nationally, fully 86% of math and science teachers in the nation's highest minority schools are teaching out of field.[4]

• In Texas high schools with the most African American students, ninth-grade English and Algebra courses—key gatekeepers for high school and college success—are twice as likely to be taught by uncertified teachers as are the same courses in the high schools with the fewest African American students. Similarly, in the state's highest-poverty high schools, students are almost twice as likely to be assigned to a beginning teacher as their peers in the lowest poverty high schools.

• And let's not just pick on Texas: Researchers reported recently that economically advantaged fifth-grade students in North Carolina were substantially more likely than other students to be matched with highly-qualified teachers.[5] Across the state, African-American seventh graders were 54 percent more likely to face a novice teacher in math and 38 percent more likely to have one for English, with the odds even greater in some of North Carolina's large urban districts.[6]

• Recent research conducted by The Education Trust and stakeholders in Wisconsin, Ohio, and Illinois found similar inequitable distribution problems.[7] In Illinois, for example, 84% of the schools with the most low-income students were in the bottom quartile in teacher quality, with more than half in the very bottom 10% of teacher quality. Among low-poverty schools, only 5% were in the bottom quartile of teacher quality.[8]

• In 2000, teachers in the highest-poverty schools in New York City were almost twice as likely (28%) to be in their first or second year of teaching compared to teachers in the lowest-poverty schools (15%). Similarly, more than one in four (26 percent) students of color was taught by teachers who had failed the general knowledge certification exam, compared to only 16 percent of white students.[9]

The Effects of these Unjust Distribution Patterns on Achievement is Dramatic and Devastating

• In high-poverty, high-minority high schools in Illinois with above-average teacher quality, students were almost nine times as likely to demonstrate college-ready academic skills as their counterparts in other high-poverty, high-minority schools with lower teacher quality. Indeed, students who completed Calculus in schools with the lowest teacher quality were less likely to be college ready than their counterparts who completed only Algebra II in schools with medium teacher quality. The simple truth is that if you do not have high-quality teachers, you do not have rigorous courses, no matter what the course name says.

• Research in Tennessee shows that teacher effects are cumulative. Students who start the third grade at roughly equal achievement levels are separated by roughly 50 percentile points three years later based solely on differences in the effectiveness of teachers to whom they were assigned. Students performing in the mid-fiftieth percentiles who were assigned to three bottom-quintile teachers in a row actually lost academic ground over this period, falling to the mid-twentieth percentiles.

• What about students who start off low-achieving, as do so many low-income students? Researchers from the Dallas public school district concluded: "A sequence of ineffective teachers with a student already low-achieving is educationally deadly."[10]

I want to acknowledge that despite these overall trends, there are some truly fantastic teachers in our high-poverty schools who are achieving dazzling success for their students and their communities. Indeed, at The Education Trust we celebrate these educators and seek to learn from their accomplishments. But these exceptional teachers are exactly that—exceptions. For no matter the measure of teacher quality, the conclusion is always the same: low-income students and students of color are consistently assigned to less qualified and less able teachers than are their peers. These inequalities undermine their educations, their life chances and ultimately our collective future.

Much of the research cited above had not been published five years ago when Congress passed NCLB, but the research available at the time was enough to convince members that the achievement gap couldn't be closed without addressing the teaching talent gap. Congress made an historic and critical attempt to focus the attention of state and local education leaders on assuring teacher quality and turning around unfair and damaging teacher distribution patterns.

The teacher-related provisions in No Child Left Behind embody three basic principles:

1. That all students are entitled to qualified teachers who know their subject(s) and how to teach them;
2. That parents deserve information about their children's teachers; and
3. That states, school districts and the national government have a responsibility to ensure a fair distribution of teacher talent.

To accomplish these goals, Congress increased funding for teacher quality initiatives by 50%, from $2 billion to $3 billion per year—on top of significant increases in Title I, which can also be used to improve teacher quality. These new dollars were targeted to high-poverty school districts, and local leaders were given nearly unfettered discretion to spend the money in ways that were tailored to local circumstances.

Despite a sincere effort by Congress, the law has not been a sufficiently powerful tool to achieve the hopes of legislators or to meet the needs of students. Some of the failure is due to utterly inadequate implementation efforts by the Department of Education, some is due to massive resistance from powerful adult stakeholders, and some portion of that failure is rooted in the flaws in the statute itself.

The discussion draft, by significantly recasting the law, addresses many of the problems that the original statute had, and would be a powerful lever of greater equity in the distribution of teachers.

Proposals Are Headed In Right Direction

• *Data to Drive Decision Making*

A major impediment to meaningful improvement is the lack, in most states, of data systems that are capable of analyzing whether the distribution of qualified and effective teachers stacks the deck against poor and minority students. Despite a plethora of external studies showing pervasive problems in the supply of strong

teachers in high-poverty schools, most states and districts are not collecting or using such data to guide local efforts. Indeed, in the summer of 2006, when USDOE finally asked states to comply with teacher equity provisions of Title II, most states were unable to report even the most basic information on whether poor and minority students were taught disproportionately by inexperienced and unqualified teachers.

Congress should provide dedicated funds to each state for the development and operation of education information management systems and set minimal requirements for such systems. One such requirement should be that the systems have the ability to match individual teacher records to individual student records and calculate growth in student achievement over time.

The data systems called for in Title I of the draft—which provides for matching of students and teacher records and could measure classroom-level learning growth—coupled with the teacher needs assessments called for in Title II will provide objective decision-making data to replace the good intentions and bad habits that are now the basis of too many education decisions.

• *Needs Assessments*

Under NCLB, local school districts were required to conduct a "needs assessment" to identify the most pressing teacher quality problems. However, because the requirements were vague, because many places lacked capacity to collect the data and weren't required by USDOE to improve, and because there was no clear link between the needs assessment provisions and the use of funds, these provisions have not been powerful drivers for targeting Title II funds to the schools and teachers that need the most help.

Under the current Committee discussion draft, however, core analyses are required and tightly connected to the use of Title II funds. For example, the proposal requires school districts to identify schools that have higher rates of novice teachers, schools with teacher attrition problems (using a three-year average), and schools with the most teachers on waivers or emergency credentials. By grounding Title II plans in measurable, actionable areas, the Committee draft, if adopted, would ensure a better fit between Congressional intent and local action.

• *Comparability*

Federal investments cannot ensure meaningful equity in public education unless state and local districts use their own resources equitably. That's why Title I has always required local school districts to ensure "comparability" in resources for Title I schools before Title I funds are applied. But, by ignoring teacher salaries in assessing comparability, current Title I law allows school districts to shortchange students in high-poverty schools, to cover up this theft with opaque accounting practices, and in the end to redirect Title I funds away from the low-income students Congress intends to help.

Federal law should not contain loopholes that exclude teacher salaries from the determination of comparability across schools. The Committee is to be commended for addressing this issue, and for including a reasonable phase-in period. Although you are certain hear many loud and powerful voices asking you to turn a blind eye to this inequity, please know that those voices are endorsing the continuation of a grave and federally-sanctioned injustice that has limited the life chances of too many students for far too long. Closing the comparability loophole is simple justice and absolutely essential to giving Title I schools—and the students who attend them—a fighting chance.

• *Differential Pay Demonstration Programs*

Finally, in terms of teacher quality, we've learned that the federal law must compel states and districts to take more responsibility for staffing high-poverty schools with strong teachers. Part of the reason high-poverty and high-minority schools are so consistently shortchanged in teacher talent is because state and local policy fail to acknowledge that, all other things being equal, most teachers migrate away from the highest-poverty and highest-minority schools. For too long, problems with recruitment and retention have been seen as school problems, while states and district control many of the levers that create the inequities and that could be used to address them. For example, teachers are all paid the same, no matter if they teach in schools where all the students need extra support, no matter if they bring special skills and abilities to the classroom, and no matter whether they are successful or not in teaching.

We need policies that provide better conditions and richer incentives so teachers can earn more pay and higher status, and get more support, if they are successful in schools where success has been all too rare. There are many proposals in the current Committee discussion draft that would spur innovation in this area, including

support for "premium pay" in hard-to-staff, high-poverty schools, as well as career ladders for teachers to grow as professionals while staying in the classroom. These proposals were initially proposed in the TEACH Act, introduced by now-Chairman Miller in the last Congress, and were widely praised across the education community, including public endorsements from both of the national teachers' unions, and they deserve to be enacted.

It is long past the time to move on from the anachronistic single-salary schedules that treat teachers as if they are assembly line workers instead of professionals. Teachers who take on greater responsibility, and teachers who are more successful, should be able to distinguish themselves within the profession. Given that the most acute need for better teachers and experienced mentors is in high-poverty, Title I schools—and that these schools have languished without appropriate assistance in recruiting and retaining the strongest faculty—it is entirely appropriate for Congress to create these incentives for innovation. It is important to keep in mind that none of these incentive programs are mandatory; they simply are being made available to states and local districts that are ready to try something new to help their students succeed. If we are serious about closing the achievement gap, we cannot leave these strategies off the table.

Targeting of Teacher Quality Funds Must Still Be Strengthened

Congress sought to seed innovations in teacher assignment and distribution with the creation of Title II in NCLB. Title II grants have provided almost $3 billion per year since NCLB was enacted—totaling almost $15 billion—that was supposed to help states and districts to ensure students in high-poverty schools got their fair share of the best teachers. Unfortunately, the money is not getting to the schools that Congress sought to help the most.

In November 2005, an audit by the Government Accountability Office that was requested by this Committee found that Title II was being used to provide professional development to teachers in general, without any focus on the schools or teachers most in need of help. According to the GAO, "only a few of the Title II-funded initiatives were directed to specific groups of teachers, such as teachers in high-poverty schools or teachers who had not yet met the [highly qualified teacher] requirements of NCLBA." (Improved Accessibility to Education's Information Could Help States Further Implement Teacher Qualification Requirements, at page 33, Report # GAO-06-25, Government Accountability Office, November 2005.)

When Title II is reauthorized, the law should ensure that money meant for teachers in struggling schools is spent on teachers in struggling schools. Title I provides a good framework for district-to-school distribution; while local school districts retain a lot of discretion in how narrowly or broadly to focus the money, the highest-poverty schools must be served first and must get the biggest per-pupil allocations. Adopting this approach in Title II would allow Congress to leave significant discretion with local officials in terms of how to raise teacher quality, but would ensure that focus of the federal investment stays true to helping students in the highest-poverty schools.

Conclusion

This Committee has led the way in focusing on teacher quality as a key driver of closing the achievement gap. This focus is based on a strong record of research establishing teacher quality as the single most critical component of educational improvement efforts. This focus must be renewed and strengthened because unequal opportunity still is a huge challenge to closing achievement gaps. I commend the Committee for its leadership on this issue and hope that when the Elementary and Secondary Education Act is reauthorized, it represents an even stronger tool for raising teacher quality in high-poverty schools.

ENDNOTES

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Chairman MILLER. Ms. Cortese.

STATEMENT OF ANTONIA CORTESE, EXECUTIVE VICE PRESIDENT, AMERICAN FEDERATION OF TEACHERS

Ms. CORTESE. On behalf of the American Federation of Teachers, I want to thank you for inviting me here today to discuss the committee's No Child Left Behind reauthorization draft.

Probably the easiest and most popular thing in the world for me would be for me to say that the draft is fine, let's move it along and let's get it done, but that wouldn't be the right or responsible thing to do.

I want to say candidly that the AFT would be troubled, very troubled, if we thought the final bill was going to look a lot like this draft. The AFT has called for some substantive changes to NCLB. This draft does not address those concerns adequately, and more work needs to be done to fix the law's fundamental problems.

More than 5 years of experience with NCLB has taught many things. Chief among them is the need to take the time and care to ensure that what is enacted in Washington will actually work in our classrooms. Our submitted comments on Title I addressed concerns about the need to fix the current law's adequate yearly progress. It is a flawed accountability system that does not give credit to schools that started further behind but are making real progress. This discussion draft doesn't fix that; it just makes it more complex.

We are pleased that the draft offers a more realistic approach to identifying schools for school improvement. The committee was right to have such schools be selected based on the performance of the same subgroup in the same subject. That is a step in the right direction. But too much of the draft moves us in the wrong direction. Our teachers and others who have had to work under NCLB have said fix AYP, give credit for student progress, create a more rational assessment system so that it informs instruction instead of interfering with it, give struggling schools the help they need, not punitive sanctions that don't work.

One fix for AYP was to create a growth model to give credit for student progress. Unfortunately, the growth model in the draft is, in reality, a trajectory model. It does not give full credit for gains and student achievement. This is clearly an area that needs much more thought and work. Instead of giving struggling schools more help when they need it most, the continued use of supplemental education services, despite the lack of any reliable data that demonstrates they are effective. Schools that are not making progress need proven interventions that really work.

Let me take a moment to say something about the issue of comparability. The AFT's longstanding commitment to equity for the

disadvantaged students of this country tells you more about our support for comparability than I could say here. Every child should be taught by a qualified teacher. We have to work together to help to make this happen. The AFT, however, supports an approach that we know works, based on our experience in Miami and the ABC unified school district in California and the South Bronx. If we want highly qualified teachers to work in hard-to-staff schools, we must address the factors that will improve learning and teaching conditions. We need real remedies, not mechanistic changes that could drive teachers out of the profession or to other more advantaged schools.

Another challenge for the committee is to identify the best ways to attract and retain highly qualified teachers where they are needed the most. The approach proposed in Title II of the draft would impose a top-down policy. Such a policy jeopardizes buy-in from the teachers and, ultimately, the success of the program. It also interjects Federal law into the collective bargaining process, a matter that is within the purview of the State and local law.

Making improvements to NCLB is a top priority and getting it right needs to happen. However, it is important that the product, not the clock, drive the process. We are glad the committee has kicked off the discussion, but let's be honest; much more work needs to be done and much more serious dialogue needs to occur before our final bill is passed. Our Nation's children deserve a law that works. We have a long way to go before the discussion draft passes that test.

Thank you.

[The statement of Ms. Cortese follows:]

Prepared Statement of Antonia Cortese, Executive Vice President, the American Federation of Teachers

On behalf of the American Federation of Teachers (AFT), thank you for inviting me to speak with you today to discuss the Committee's No Child Left Behind (NCLB) reauthorization draft

The AFT understands that the bill is a "draft" document, and that is how we have approached it.

The easiest thing in the world would be for me to say that the draft is fine, let's move it along, and let's get it done. But that wouldn't be the right or responsible thing to do.

I want to say, candidly, that we would be troubled—very troubled—if we thought the final bill was going to look a lot like this draft.

Parents, teachers, elected officials and others have called for substantive changes to NCLB. This draft does not appear to address those concerns adequately, and it is clear that more work needs to be done to fix the law's fundamental problems.

More than five years of experience with NCLB has taught us many things. Chief among them is the need to take time and care to ensure—as nearly as possible—that what is enacted in Washington will work in our nation's classrooms. We cannot achieve the law's goals if we do otherwise.

We sent initial comments on Title I last week. We are still reviewing Titles II through Title XI, which came to us late Thursday night.

Our comments on Title I address our specific concerns about the need to fix adequate yearly progress (AYP), a flawed accountability system that that does not give credit to schools that started further behind but are making real progress not recognized under the law. Unfortunately, this discussion draft doesn't fix AYP. It makes it much more complex.

We saw some provisions aimed at improving this part of current law, but in all candor these changes do not go far enough and fail to fully address troubling aspects of current law.

Let me just single out one improvement in the Committee's draft. We are pleased that the draft offers a more realistic approach to identifying schools for school im-

provement by allowing such schools to be selected based on the performance of the same subgroup in the same subject.

That's a step in the right direction, and there are others. But too much of this discussion draft moves us in the wrong direction.

I am not going to go into great detail, but let me just say this about the draft's shortcomings.

For more than five years, our teachers and others who have had to work under NCLB have said:

- Fix AYP;
- Give credit for student progress;
- Get the testing under control so that it informs instruction instead of interfering with it; and
- Give struggling schools the help they need, not punitive sanctions that don't work.

Everyone said we needed a growth model, but everyone had a different concept of what that meant. The committee's charge is to propose a growth model that will work. And when we say "work," we don't mean low standards and no accountability. Unfortunately, the growth model that is being proposed is in reality a trajectory model and does not fully give credit for the gains in student achievement that schools are making. This is clearly an area that needs more thought and work.

Instead of giving struggling schools more help when they need it most, the draft is requiring the continued use of supplemental educational services (SES) as an intervention for high priority schools despite the lack of any reliable data that demonstrates they are effective. Schools that are not making progress need to have the flexibility to choose which interventions meet their needs.

Let me take a moment to say something about the issue of comparability. The AFT's longstanding commitment to equity for disadvantaged students tells you more about our support for comparability than anything I could say here. Every child should be taught by a highly qualified teacher.

We have to work together to help make that happen.

The AFT supports an approach that we know works, based on our experience in Miami and the ABC Unified School District in California. Simply put, if we want highly qualified teachers to work in hardtostaff schools, we must address the factors that will improve learning and teaching conditions. Unfortunately, these schools often suffer from terrible building conditions, unsupportive leadership, and a lack of professional supports, as well as other factors that contribute to an unacceptable learning and teaching environment. If we are to improve teaching and learning at Title I schools, then states and local school districts must first address these underlying systemic problems. We need real remedies, not ones that have the potential to drive teachers out of the profession or to other, moreadvantaged schools.

Another challenge for the Committee is to identify the best ways to attract and retain highly qualified teachers where they are needed the most. The AFT believes that the approach proposed in Title II of the draft would impose a topdown policy that jeopardizes buyin from the teachers and, ultimately, the success of the program. It also interjects federal law into the collective bargaining process—a matter that is within the purview of state and local law.

I know from my many discussions with our members and our state and local leaders that making improvements to NCLB and getting it right needs to happen as soon as possible. However, I think that it is important that the product, not the clock, drives this process.

When all is said and done—whether it's this session or 2008 or 2009—I can't go back to our members and say, "This bill is good because it's not as bad as the original NCLB." I can't go back and say, "The final bill is good because it's not as bad as the discussion draft."

I want to tell our members that "This bill is good for your students, it's good for public schools, and it's good for your communities."

We're glad the committee has kicked off the discussion. But let's be honest: much, much more work needs to be done, and much more serious dialogue needs to occur before a final bill is passed.

Let's keep in mind what the goal is here. It is to produce a law that evaluates schools and holds them accountable in a fair and reliable way. It is to ensure that tests are aligned with standards so they can support good instruction. Finally, it is to hold students to high standards while also giving them the help they need if they are struggling.

Our nation's children deserve a law that works. We have a long way to go before this draft passes this test.

Chairman MILLER. Ms. Bradburn.

STATEMENT OF FRANCES BRYANT BRADBURN, DIRECTOR OF INSTRUCTIONAL TECHNOLOGIES, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Ms. BRADBURN. Thank you, Chairman Miller and the committee. I want to especially thank Representative Virginia Foxx for her dedication to improving education in North Carolina, and Representative Hinojosa and Representative Biggert for their leadership in promoting systemic reform and professional development using technology through the ATTAIN Act.

I am Frances Bryant Bradburn, Director of Instructional Technologies for the North Carolina Department of Public Instruction.

What if I could tell you that you could increase student achievement in reading and math from 67 percent to 78 percent, or from 78 percent to even 96 percent in about 4 years? What if I could tell you that you could increase the college-going rate from 26 percent to 84 percent in 5 years? What if I could tell you that you could go from second highest teen pregnancy rate in North Carolina down to 18th during that same 5-year window. What if I could tell you that you could increase student retention for both your newest and your most experienced teachers, or reduce class size consistently not by hiring bevies of classroom teachers, but by hiring one or two—an instructional technology facilitator who is a certified classroom teacher whose specialty it is to partner with the school library media specialist and classroom teachers to create units of instruction and project-based learning to really change the way teaching goes on in schools.

What if I could tell you that you could offer advanced calculus, AP biology or AP history, even university courses for college credit in even our smallest high schools in the U.S.? All of these are possible and have already been made possible across the country with NCLB funding, especially enhancing education through technology funding.

Through the ATTAIN Act, which is Title II part (f) in the reauthorization draft, this money—you will have the opportunity to replicate these successes across the Nation again.

This is an exciting time to be a teacher and a student. In selected schools, students across the U.S. are able to use a variety of technology tools to learn how to solve problems and learn in a real-world environment. In North Carolina we made this happen through a systemic reform model called IMPACT. In my work with CITA, I know it is also happening in other programs across the U.S. In these schools teachers and students are using laptop computers, digital cameras, interactive whiteboards, video cameras and the like to learn in exciting new ways.

Let me tell you a couple of stories to illustrate this. One of our IMPACT model school principals tells the story of walking into a special education class. The teacher had mentioned that she would like for him to drop by to see an autistic child who had spent 4 years in that classroom huddled in the corner. When he walked into the classroom that day, he saw this child up in front of an interactive whiteboard, manipulating information. Not only that, but he also saw that child turn around and try to speak to the

teacher, the first time he had done either of those things in 4 years.

We also have students in a school, which, by Federal guidelines, has 33 percent of its population that is homeless, where they are using video equipment to produce a morning news program daily. We are watching students have a reason to get up in the morning and come to school because people rely on them and because they are finally good at something and they can see their future for the first time. By the way, these students are meeting standards and the school is meeting AYP.

Students in the same school are using a program, a simulation program called Quest Atlantis. This program helps students learn to solve social and environmental problems. For the first time, these students realize they can make a difference, they can solve problems, they can change the world. And they feel powerful.

I want to end my storytelling with a very special story from Green County. It comes from a police report. The police were called on Saturday night to the school, to the high school, because neighbors had said there were teens gathering there in the parking lot of the high school. When the police squad car got there, they realized that these kids were squatting on the school's wireless network, doing their homework and communicating with the rest of the world rather than getting into trouble.

With its focus on systemic reform and ongoing professional development, the ATTAIN Act, Title II, part (f) has the opportunity to extend and expand these stories. The ATTAIN Act has a potential to build upon what we have learned in North Carolina with IMPACT, what my colleagues in Texas have learned with their Texas TIP project, and in Missouri and Utah with EMETS.

While we would all assume that technology would also be included in other parts of the reauthorization such as the graduation promise, the formative evaluation, high-quality professional development and growth models, I would urge you to specify the importance of technology in each of these areas.

Yes, technology is an investment and it requires constant reinvestment, yet it is investment that yields great benefits. Business once wrestled with this cost of implementing technology solutions and obviously its investments have served this country well. Like business, we can transform education. We urge you to invest up front in technology to make a difference in our children's and our Nation's future.

Thank you.

Chairman MILLER. Thank you very much.

[The information follows:]

Prepared Statement of Frances Bryant Bradburn, Director of Instructional Technology, North Carolina Department of Public Instruction

Good Morning. Thank you to Chairman Miller, Representative McKeon, and the Committee for inviting me to testify today. I would also like to thank Representative Virginia Foxx for her dedication to improving education in western North Carolina and Committee members Representatives Hinojosa and Biggert for their leadership in promoting systemic reform and professional development using technology. In several schools in North Carolina, we have had the opportunity to implement a school reform model utilizing technology to transform teaching and learning. After four years, the results are staggering and include increased students achievement, increased likelihood for students to stay on grade level, increased college-going

rates, and increased teacher retention. I will share with you why we believe it is our responsibility to lead an education system that prepares students for the 21st Century and how we are beginning to accomplish this in many districts in our state.

Technology in Education Critical to Ensuring America's Competitiveness

Reauthorizing No Child Left Behind is an important step in helping to ensure America's competitiveness in the 21st Century. As you know, the effective use of technology throughout education is critical to preparing our students for a global marketplace. We are not talking about putting some computers in the back of a classroom—we are talking about utilizing the power of technology to change the way teachers teach and children learn. The education community needs the resources and investment that the business community made as it transformed its practices throughout the last 20 years.

The Committee has demonstrated its focus on the critical role that technology plays in our education system by the inclusion of the ATTAIN Act in the reauthorization bill as Title II, Part F. Technology is also integral to the effective implementation and use of data systems, on-line assessments, virtual AP Courses, and ongoing and sustainable professional development. Many states currently use educational technology to reach these goals and have shown to improve student achievement, certify highly qualified teachers and help close the achievement gap.

While many of you cannot imagine your workday without technology to access resources or communicate, this is still not the case for many students and teachers on a typical school day. From the upper middle class suburbs of Baltimore to inner city San Diego, it is often considered a bonus if teachers have access to a laptop for planning or students to have wireless access. It is hard to imagine, but some students only access to technology is a visit to the computer lab once a week. Unfortunately, we cannot assume that technology has been maximized in most schools—a Department of Labor study shared that education was actually 55th out of 55 industries studied in use of technology.[1] Although access to the Internet and the ratio of students to computers has improved over time, there is only an average of only 1 computer for every 3.8 students in American schools.[2] In addition to Internet access and devices, teachers and students must also have reliable access to new applications such as those used for delivering education content, managing courses, collecting student data, and accessing professional development.

Training is critical to helping teachers utilize the resources and applications. Teachers need the skills to utilize technology within their instruction and to maximize the engagement of curriculum, data, and other tools available to improve student learning. These tools frequently provide opportunities to reach more students through individualized instruction which ultimately helps to increase student achievement.

As we look at America's future, we must also reflect on the present. Only 5% of U.S. college students currently major in math or science fields, more than 57% of our post-doctoral engineering students are from outside of the U.S., and the fact that U.S. Patent applications from the Asian countries grew by 759% from 1989 to 2001. Patent applications from the U.S. during the same period grew at 116%. High-speed global networks enable nearly instantaneous communication, collaboration and knowledge sharing which gives our competitors more advantages than they had in the past. Any approach to our challenge of educating America's youth must rely on technology solutions that are scalable, flexible, reliable, and have the ability to cost-effectively individualize education for all students.

While it is easy to be discouraged or overwhelmed by disappointing graduation rates, information on how students are not prepared for work, or how education has not changed, it is not too late to make a real difference for students in our country. Key tools and proper training are making a difference and model programs can be replicated throughout the country.

For example, in my state of North Carolina, we developed and implemented the IMPACT model.

The IMPACT Model

North Carolina's IMPACT model, the basis of the North Carolina Educational Technology Plan, is a school reform model of technology immersion with an intense focus on collaborative planning. When you enter an IMPACT school, you quickly experience that collaborative learning, higher level thinking skills, and student engagement are pervasive whether students are learning math, science, reading, or history. School and teacher leaders drive change and learn from one another to utilize data to address the individual needs of each student. Using digital cameras, interactive white boards, and computers, students are provided with opportunities to collaborate and connect to the rich and relevant content that would not always

be readily available to some students. They are experiencing school in a new way that builds those 21st century skills necessary to succeed. Teachers have become the facilitators of learning and students become engaged in their own progress.

The transformation in the IMPACT schools is largely a result of the role of the school library media coordinator or technology learning facilitator plays in working with small groups and individual teachers to provide professional development and modeling as more and more technology is used to engage students in instructional units. Teachers work together to develop new lesson plans, consider how to facilitate learning, and utilize data to individualize instruction. As ideas are shared, new technology tools are incorporated to enhance the unit. Often the new tool is demonstrated or even taught during the meeting, or a special training date is determined for additional professional development. This type of planning and collaboration among teachers result in a transformation of learning, and the results are significant.

North Carolina's Scientifically-Based Research Results

North Carolina had the benefit of receiving a grant from the U.S. Department of Education to implement scientifically-based research to study the IMPACT model from 2003 to 2007. The Evaluating State Educational Technology Programs (ESETP) grant allowed North Carolina to compare high need, high poverty schools implementing the IMPACT model with similar comparison schools that did not utilize IMPACT. The study focused specifically on math, reading, leadership, and teacher retention. After controlling for background demographics such as race, sex, grade, days absent, parent education, and free/reduced lunch status, results of the study include (for three years unless otherwise noted):

Student Achievement—Math:

• When looking at change in passing status (going from passing to failing or failing to passing):

• The odds that IMPACT students would go from non-passing to passing status over the three years were 42% higher than that for comparison students

• In the fourth year, the odds of IMPACT students passing the Math EOG were 24% higher than that of comparison. This effect was stronger in earlier grades.

• IMPACT students were less likely to drop achievement level, and more likely to increase achievement level over these three years than comparison students.

• The odds of IMPACT students dropping one or more achievement levels were 25% less than comparison students

• The odds of IMPACT students increasing one or more achievement levels were 37% higher than comparison students

• When looking at pass/fail rates for the End of Grade (EOG) tests, in the baseline year IMPACT students were significantly less likely to pass the math tests than comparison students. By the fourth year, IMPACT students were more likely to pass the test.

• IMPACT students had stronger growth curves than comparison school students. Higher grades had stronger differences.

Student Achievement—Reading:

• When looking at change in passing status, the odds that IMPACT students would increase from failing to passing over the four years were 55% higher than the odds for comparison students. When looking at Year two to year four with the larger sample, the odds were 43% higher for IMPACT students.

• The odds of IMPACT students increasing achievement level from the second to the fourth years were 3 times that of comparison students

• When looking at pass/fail rates for the EOG tests, in the baseline year IMPACT students were significantly less likely to pass the reading EOGs than comparison students. By the fourth year, IMPACT students were equally likely to pass the test.

• In general, IMPACT students had stronger growth curves

Results—Teacher Retention:

• The odds of IMPACT teachers being retained for these three years were 65% higher than that for comparison school teachers.

• The odds of beginning teachers being retained was 64% higher in IMPACT than comparison schools.

• Similarly, teachers in years 4-10 did not have a significant effect, but the odds IMPACT teachers would be retained were .71 that of comparison teachers.

• Finally, there was a highly significant effect for master teachers (11+ years, Odds ratio =2.87, $p < .002$), indicating that the odds that master teachers in IMPACT schools would be retained across these three years was 2.87 times that of comparison master teachers.

Technology & Teacher Attitude Results:

• Based on the School Technology Needs Assessment (STNA) developed by SERVE and used by North Carolina State University (NCSU), IMPACT teachers perceived that their schools were more supportive of risk-taking, and had more linkages to the community than did comparison schools.

• Attitudes: IMPACT teachers consistently saw IT as more useful, and had more positive attitudes toward the usefulness of email, the World Wide Web, multimedia in the classroom, and instructional technology for teachers than the comparison teachers. Ironically, comparison school teachers were more likely to view student interaction with computers more positively.

• IMPACT teachers started out less confident (about a half standard deviation below) than their comparison teacher counterparts, but had substantially stronger growth so that by the beginning of the second year of the project, IMPACT teachers had much higher overall scores on the NETS-T (about one-half standard deviation above the comparison teachers)

Modified IMPACT Model in High School—Greene County, NC

Greene County embraced the potential of technology to transform its school district and community five years ago by immersing schools with technology, providing students with a 24/7 laptop, and ensuring that teachers had access to high quality, on-going professional development. Greene County is a district with 70% free & reduced lunch and 50% African American and 18% Latino students. When the program began, the college going rate in Greene County was 24%, and the County was predicted to be the fastest declining district in terms of population. This modified IMPACT model has in fact changed the entire learning process and the lives of students and all people in this community, and technology has been the catalyst for change.

Results—Greene County:

• Since the inception of the program, the college going rate of students has increased from 24% to 84% in 2007. The goal for 2008 is 90%.

• Greene County was #2 in North Carolina for number teenage pregnancies and has dropped to #18 in the state.

• Test scores in middle and high schools have increased.

• Linked to a growth in population of 2-3% and an increase in economic development that has allowed the county to build its first golf course and public park.

The IMPACT model includes key components significant for any organizational change and critical to maximize the power of technology to transform teaching and learning, including: quality leadership, on-going professional development, data driven decision making, and high quality resources and tools.

Achievement through Technology and Innovation (ATTAIN)

The results above demonstrate that the IMPACT model has had a significant impact on students in North Carolina, and many districts have replicated this model with their own funding. In North Carolina, the ATTAIN Act would serve as a catalyst to allow more districts and schools to replicate the IMPACT model or a similar systemic approach. With ATTAIN's focus on systemic school reform and teacher training to integrate technology into reading, math, and science lessons, this legislation will help to ensure that our students are competitive in the 21st Century global economy and are able to achieve at high levels.

I want to congratulate the Committee for recognizing this crucial need to promote comprehensive, systemic, and innovative approaches to changing teaching practices and student behavior. These principles are reflected in the ATTAIN Act—Title II, Part F of the Discussion Draft of NCLB Reauthorization, which encourages states to develop their own versions of IMPACT or enhance existing programs that have proven results. The formula program of ATTAIN ensures that districts can implement on-going and sustainable professional development similar to those referenced with in the IMPACT model, which transforms instruction of core curricular subjects.

ATTAIN provides necessary leadership for states like North Carolina to provide systemic approaches to utilizing technology to:

1. Ensure every student has access to individualized, rigorous, and relevant learning to meet the goals of NCLB and to prepare all students for the 21st Century work force needs.

2. Increase on-going, meaningful professional development around technology that leads to changes in teaching and stronger curriculum, and which improves student achievement, including but not limited to core curricular subjects, and student technology literacy.

3. Evaluate, build upon and increase the use of research-based and innovative systemic school reforms that center on the use of technology and lead to school improvement and increase student achievement.

4. Utilize real-time data to understand the individual needs of students and connect students with the appropriate curriculum and resources to immediately help them achieve.

Through the State Educational Technology Directors Association (SETDA), North Carolina communicates with other states that have implemented similar projects with real progress in teacher quality and academic achievement by implemented integrated technology initiatives. Programs reflecting these principles currently having significant effects on students in other states include:

• In Utah, Missouri, and Maine, the eMINTS program provides schools and teachers with educational technology tools, curriculum, and over 200 hours of professional development to change how teachers teach and students learn. In classrooms in the same school (one with eMINTS and one without), the student achievement of students in the eMINTS classroom was repeatedly over 10% higher than the control classroom.

• In West Virginia, students receiving access to on-line foreign language courses performed at least as well as those in face-to-face versions of the classes, providing comparable high quality instruction for those in rural areas who otherwise would not have access to such courses.[3]

• In Michigan's Freedom to Learn technology program, 8th grade math achievement increased from 31% in 2004 to 63% in 2005 in one middle school, and science achievement increased from 68% of students proficient in 2003 to 80% 2004.[4]

• In Texas, the Technology Immersion Pilot (TIP), implemented in middle schools, demonstrated that discipline referrals went down by over ½ with the changes in teaching and learning; while in one school, 6th grade standardized math scores increased by 5%, 7th grade by 42%, and 8th grade by 24%.[5]

• In Iowa, after connecting teachers with sustainable professional development and technology-based curriculum interventions, student scores increased by 14 points in 8th grade math, 16 points in 4th grade math, and 13 points in 4th grade reading compared with control groups. 6

• In Alaska, over twenty-five percent of school districts offer eLearning classes through videoconferencing and the web. The Kuspuk School District began distance education via video conferencing through support from Enhancing Education Through Technology and Rural Utilities Service grants. They offer traditional courses in AP English, Algebra 1, and Algebra 2; as well as unique courses including publications, service learning and FAA Groundschool. Imagine the value of completing Groundschool in one of the district's eight villages accessible only by air and river travel through eLearning.

The ATTAIN Act provides an important catalyst for helping more states, districts, and schools implement systemic reform models and on-going and sustainable professional development that have been proven to improve student achievement and ensure that students are competitive in the 21st Century global workforce.

The Role of Technology throughout ESEA Reauthorization

We applaud your leadership in understanding the importance of technology in systemic reform and professional development and see many opportunities for technology to increase effectiveness and efficiency throughout the reauthorized ESEA. Specifically, technology plays an integral role in reaching the goals stated in the following areas:

• Graduation Promise Fund
• College and Work-Ready Standards and Assessments
• Growth Models
• Performance Index
• ELL and Special Education Students
• School Improvement and Assistance and School Redesign
• Parental Involvement
• Extended Learning Opportunities
• Improving Teacher and Principal Quality
• Partnerships for Math & Science Quality Improvement
• Math Success for All
• Innovation for Teacher Quality

Although we understand that technology may be assumed in some of these areas, we ask that you specifically state the potential role of technology in meeting the requirements and goals throughout the reauthorization with NCLB. We cannot afford to miss the opportunity that technology provides to engage students, to improve instruction and teacher quality, and to ultimately improve student achievement so that our students are prepared for the 21st Century.

ENDNOTES

[1] U.S. Department of Commerce (2003), Digital Economy 2003
[2] Business Roundtable, Tapping America's Potential: The Education for Innovation Initiative
[3] eMINTS, *http://www.emints.org/*, and *http://www.emints.org/evaluation/reports/*
[4] Freedom to Learn Evaluation, *http://www.ftlwireless.org/content.cfm?ID=505*
[5] This recent article highlights the results in two districts: *http://www.thejournal.com/articles/20931—1* in a very succinct way. The evaluation site is: *http://www.etxtip.info/*, and the program site can be found at: *http://www.txtip.info/*.

Chairman MILLER. Ms. Sommers.

STATEMENT OF MARY KAY SOMMERS, PRINCIPAL, SHEPARDSON ELEMENTARY

Ms. SOMMERS. Chairman Miller, distinguished members of the committee, good afternoon.

I am Mary Kay Sommers, principal of Shepardson Elementary in Fort Collins, Colorado. The student body of our school includes students with disabilities, English language learners and gifted students. This year I am also serving as president of the National Association of Elementary School Principals.

Thank you for this opportunity to represent our membership of nearly 30,000 elementary and middle-level principals in commenting on the committee's ESEA bill draft. Today I will focus on some key provisions in Titles I and II. While the draft proposes many positive changes, such as a consideration of a growth model and multiple measures, we are disappointed that it retains a reliance on high-stakes testing and unreasonable requirements for assessing students with special needs.

NASP does not support these provisions because they contradict our aims as the chief architects of learning within a school on behalf of all children. The accountability provisions in Title I gauge student and school success with a flawed system. Standardized test scores retain a level of importance that education research and practice indicate is unwarranted. This devotion to high-stakes testing produces an inaccurate picture of educator and school quality. NASP has a longstanding position against high-stakes assessment practices stated in our current platform and attached to my written testimony.

Although we are pleased with the draft bill that includes provisions for the use of multiple assessments, it falls perilously short. There are many academic and non-academic factors that affect student progress, and the draft overemphasizes achievement defined primarily in terms of test scores. It ignores other crucial contributors that promote or inhibit learning.

NASP recommends that the committee reduce the weight given to the standardized test scores at the elementary level for measuring AYP. Other critical indicators could include rates of student and teacher attendance, number of discipline referrals, class size, level of parental involvement and school climate survey results. Non-academic factors such as the availability of physical and mental health care, nutrition and wellness and other student and family support services should be factored into the determination of school quality and student progress. This is not about avoiding accountability or having low expectations. It is about addressing the

needs of the whole child and making sure that everything is done to help every child succeed.

We are very disappointed that the draft bill does little to change the current assessment requirements for students with disabilities. Testing them on their chronological grade level rather than the grade level at which they are taught is not appropriate.

My fellow principals and I have been dismayed by the distress that forced grade-level testing elicits in many of our students with disabilities. NASP recommends that the committee allow progress toward achievement of the IEP goals to count toward AYP, and allow the IEP team to determine the appropriate assessments. This team includes parents and school staff and others with legitimate interest in the students' education, working collaboratively to establish those rigorous and relevant goals.

I would like to you imagine this scenario. A young student, I will call him Jose, qualifies for special education. He struggles very hard, yet his motivation never ceases. Watching him take these tests each year is one of the most painful experiences we have ever had. Jose persists in attempting to read each word, even though the test is nearly 4 years ahead of him. His courage and tenacity are qualities we want for every child. Last year it took him more than a whole day to complete one 55-minute exam, but he refused to stop. Even though he has made great growth, he still finds he is labeled unsatisfactory. Imagine everyone's disappointment.

Now imagine this scenario. In 2008 Jose continues to work harder than most students. This year's test is designed at his level, and a bit beyond, to see what he has learned, how well he has accomplished his IEP goals. Imagine the hope that this would inspire. May you and your committee consider being the ones who give hope to Jose and other students.

I must also express strong concerns about a provision seeking to establish a Federal definition of an exemplary principal. Educator qualifications and quality should remain a State and district responsibility. It would be counterproductive for the Federal Government to interfere with the local authority in taking on this additional responsibility. The draft definition includes significant characteristics and knowledge that principals should have. But most would be difficult to assess, leading inevitably to defining principal quality and effectiveness through test scores. For the same reason we do not support pay-for-performance plans based mostly on high-stakes testing, we believe one of the most effective ways to have exemplary principals in all schools is to make sure principal development programs are of high quality.

States and districts must be supported in conducting effective recruiting, mentoring and professional development for all principals.

Thank you again for this opportunity to advocate for children through the voice of principals.

[The statement of Ms. Sommers follows:]

Prepared Statement of Mary Kay Sommers, Ph.D., President, National Association of Elementary School Principals (NAESP)

Chairman Miller, Ranking Member McKeon, and members of the committee: Good afternoon. I am Mary Kay Sommers, principal of Shepardson Elementary School in Fort Collins, Colorado and president of the National Association of Elementary School Principals. Thank you for the opportunity to represent NAESP's membership

of nearly 30,000 elementary and middle level principals in providing testimony on the committee's discussion draft of the Elementary and Secondary Education Act (ESEA) reauthorization bill. I request that the full statement be included in the hearing record.

NAESP appreciates very much the care that the committee has taken to solicit and review input from the gamut of education stakeholders. Mr. Chairman, your heartfelt commitment to education and that of your committee colleagues is evident, and we are grateful for the long months of staff and member work that have gone into the creation of the discussion draft. Even though we don't expect to see all of our recommendations incorporated in the reauthorized ESEA, we appreciate that we've been heard and our views have been considered.

Because principals are engaged in all aspects of the work of schools, NAESP is interested in all 1,036 pages of the discussion draft. Due to time constraints, however, my testimony will focus largely on some key provisions in Titles I and II. Over the next several days, NAESP will provide the committee with additional suggestions for specific legislative language changes, and we will continue to do so throughout the reauthorization.

On behalf of our nearly 30,000 members, I regret being unable to rate the discussion draft as "Proficient." While, the draft bill proposes some positive changes to the law, such as the use of growth models and consideration of multiple measures, we are disappointed to see that it retains core provisions, most notably a reliance on high-stakes testing and unreasonable requirements regarding the assessment of students with special needs. NAESP does not support these core provisions because we believe them to contradict our aims as chief architects of learning within our school communities, and in fact, believe them to be harmful to children.

The assessment and accountability provisions in Title I gauge student and school success through the use of a flawed system. As in current law, standardized test scores are raised to a level of importance that education research and practice indicate is unwarranted. This devotion to making high-stakes decisions on the basis of test scores produces an incomplete and therefore inaccurate picture of the quality of educators and schools. NAESP has a longstanding position against high-stakes assessment practices, stated in the 2007-2008 NAESP Platform, which is available on our Web site (*www.naesp.org*). Our resolutions on overall assessment practices and the appropriately limited use of standardized tests have been in place for decades and reaffirmed many times since their creation. Copies of these two resolutions are attached to my written testimony.

Multiple measures in assessment

Although we are pleased that the draft bill includes some provisions for the use of multiple measures in assessment, it falls short. There are many academic and nonacademic factors that affect student progress, and the draft language overemphasizes "achievement" defined primarily in terms of test scores. The discussion draft ignores the many other contributors that promote or inhibit learning, such as test anxiety and emotional fatigue.

NAESP recommends that the committee eliminate the 85 percent weight given to standardized test scores at the elementary level for measuring AYP and allow additional indicators for elementary schools to use in multiple measurement systems. Such other factors that affect learning could include changes in rates of student and teacher attendance, changes in number of discipline referrals, class size, level of parental involvement, and the results of school climate surveys. We also strongly believe that such nonacademic factors as the availability of physical and mental health care, nutrition, and other student and family support services should be factored into the determination of school quality and student progress. This is not about avoiding accountability; it's about addressing the needs of the whole child and making sure that all is done that should be done to help every student succeed without penalty or fear of failure.

Assessment of special needs students

We are very disappointed that the draft bill does little to change the assessment requirements for students with disabilities in current law and codifies the U.S. Department of Education's regulations relating to students falling into the "one percent" and "two percent" categories. Requiring students with disabilities to be assessed on their chronological grade level, rather than the grade level at which they are taught, is neither an appropriate nor a reasonable measure of achievement. My fellow principals and I have been dismayed by the distress that forced grade-level testing elicits in many students with disabilities.

Imagine this scenario. I have watched a young boy who has many factors that are legitimately impacting his learning and he qualifies for special education. I'll call

him José. I have never seen a child who struggled so hard and made such gains in his learning. His motivation never ceased, nor did his smile and incredible positive, caring attitude. José is well-liked by all of the students and the staff. Watching him take these tests each year is one of the most painful experiences we've ever had. Unlike many adults, José will persist in attempting to read each word and work each problem when the testing level is nearly 4 years ahead of him. His courage and tenacity to work hard are indeed the qualities we would want every child to have. Last year it took him the whole day, and 35 minutes after school, to complete one 55-minute exam. He refused offers to stop. He wanted to finish. The good news is that he made great growth; the bad news is that he finds he is still Unsatisfactory. There is no doubt in my mind that José will be one the most productive citizens who will make this world a better place and who will infect others with his positive zest for living and caring about others.

Now, imagine this scenario. In 2008, José continues to work hard, harder than most students. Only this year, his test is designed at his level and a bit beyond to see what all he has learned, how well he has accomplished his IEP goals. Imagine the look on that face that says, "Someone really cared enough to make changes in this test so I could truly do my best and feel proud of all the learning I've done this year."

My worst fear as José moves into Junior High School is that his frustration will exceed his ability to persist. What have we taught him then?

May you and this committee consider being the "ones who really cared" to make a difference for José and others similar to him.

NAESP recommends that the committee allow progress made toward achievement of the IEP goals to count toward the student and school's AYP and allow the IEP team to determine the appropriate assessments for students with disabilities. The IEP team includes parents, school staff, and others with a legitimate interest in the student's education, all working collaboratively to establish goals and plans that are suitable to the student's education level, standards-based, and rigorous in design. We appreciate the fact that the committee has, with respect to modified assessments, applied the appropriate authority to the IEP team and believe that authority should be extended to include other decisions about the academic assessment of students with disabilities.

Clearly, there are other important provisions in Title I, but I'll move now to Title II in order to respect time limitations. NAESP will provide additional written comments on the full draft bill later this week.

NAESP has a strong interest in the preparation, recruitment, and professional development of educators. We are pleased to see in Title II an increased call for principals' professional development and encourage the committee to make even more of the allowable uses of professional development funds mandatory. By including a specific reference to principals in the title of the Teacher and Principal Quality state grants, the committee is signaling an interest in helping principals receive professional development that addresses their unique role, and we appreciate that. Providing mentoring to new principals and ongoing, high-quality professional development throughout one's career is the best way to move toward what all schools need: an excellent principal who is armed with the best and most current skills and knowledge to function effectively as an instructional leader and school building CEO.

I have had several opportunities to mentor prospective principals so they can better understand the different skills and knowledge they will need in this role. They have been amazed at the complex nature of the position, the variety of human and technical skills, and the need for situational leadership. I also am aware of the high turnover and the increasing difficulty in finding qualified educators to serve in this critical leadership position.

I must express our strong concern, however, about the provisions in Title I that seek to establish in federal law a definition of an "exemplary, highly qualified principal." Of course we all want schools to be run by principals who are qualified and who do exemplary work, but creating such a federal definition raises a number of concerns. First, the determination of educator qualifications and quality is a state and district responsibility and should remain so. School, district, and state personnel are those who best know the complex work of principals and understand the situational context and needs of each school within each school district. It would be unwise and counterproductive for the federal government to interfere with local authority in taking on this additional responsibility.

Another major problem with creating a federal definition or label is naturally inherent when describing principal quality. Although the list of criteria in the discussion draft includes significant characteristics and knowledge that principals should have, most of the criteria would be difficult to assess. We believe this dilemma

would inevitably lead to a practice of defining principal quality and effectiveness largely or fully on the basis of test scores. Our opposition to the high-stakes use of test scores has been articulated already, so I will only reiterate that it is an important and longstanding position of NAESP. For the same reason, we do not support so-called "pay for performance" plans or bonuses for educators that are based fully or in large part on test scores.

We believe that the most effective way to move toward the important goal of having all schools led by exemplary principals is to make sure that principal preparation programs are of the highest quality and offer the most current, research-based education and training. Likewise, states and districts need support to establish and implement effective principal recruitment, mentoring, and professional development opportunities that are available to all principals throughout their careers.

Thank you again, Mr. Chairman, Mr. McKeon and members of the committee, for this opportunity to advocate for children through the voice of preschool, elementary and middle level principals.

From NAESP Platform 2007-2008, National Association of Elementary School Principals:

EDUCATIONAL ASSESSMENT

Assessment

NAESP believes that, for assessment information to be valid and useful, educational standards specifying what students are expected to know and be able to do must be clearly defined through a broad-based consensus process before assessment procedures are developed.

Assessment focused on student performance has as its primary purpose the advancement of student learning and the improvement of instruction. This process must be fair, flexible, and authentic in that it reflects the students' demonstration of competence. The procedures utilized must be valid and appropriate representations of the expectations placed on students. NAESP recognizes that assessment is an integral part of curriculum and instruction, which includes the teaching and learning of test-taking skills. NAESP encourages the alignment of curriculum, instruction, and assessment to maintain a balance between teaching and formal assessment.

The assessment process must involve educators in its design and use, and include procedures that ensure accessibility, data analysis, continuous review, and improvement. Test results must be accessible and reported in an understandable, timely manner within the context of other relevant information affecting the school.

NAESP urges its members to become involved in state and local activities establishing the design and implementation of assessment processes. ('92, '94, '01, '06)

Standardized Tests

NAESP believes children have diverse abilities and learning potential that should be identified and developed. Educators, parents, and children need multiple, fair, and effective assessment opportunities that can be used for determining the needs of children in order to design appropriate instruction.

NAESP opposes the use of standardized test scores as the sole criterion to measure student performance; to rate, grade or rank school effectiveness; to allocate funds; or to take punitive measures against schools and/or school personnel.

NAESP recognizes that some uses of standardized testing are detrimental to education.

It is imperative that the limitations of standardized tests are clearly understood by decision makers:

1. Standardized tests, by design, generate data that are valid for specific purposes.
2. Interpretation and use of the data must be limited to those purposes.

Therefore, multiple, non-discriminatory, and longitudinal measures must be employed if the data are used to:

1. Make educational decisions for each student;
2. Adequately assess the achievement level of student subgroups; or
3. Monitor student progress and/or program effectiveness over time.

NAESP also believes that, in reporting assessment results to the public, explanations of the proper interpretations of the data must be included.

NAESP urges principals and their local, state, and national associations to use assessment data to improve instruction and help students learn.

NAESP also urges principals to actively educate policy-makers and the public about the proper interpretation and use of standardized test data. ('72, '76, '85, '89, '97, '01, '02, '07)

Chairman MILLER. Thank you. Thank you very much.

Ms. Van Hook?

STATEMENT OF KRISTAN VAN HOOK, SENIOR VICE PRESIDENT FOR PUBLIC POLICY AND DEVELOPMENT, NATIONAL INSTITUTE FOR EXCELLENCE IN TEACHING

Ms. VAN HOOK. Thank you. Thank you for inviting me to testify here today. And I just wanted to say what an honor it is to serve on the panel with some of the other folks who have spoken today.

The National Institute for Excellence in Teaching is a nonprofit dedicated to improving teacher quality and advancing the teaching profession. You have heard from a couple of participants in our programs today.

Our signature program is the Teacher Advancement Program, a performance pay and professional development career ladder system that is increasing student achievement and improving teacher recruitment and retention in very high-needs schools. We strongly support the committee's inclusion of performance compensation bonuses and career ladder programs in the draft NCLB bill. We encourage the committee to consider allowing nonprofits with proven expertise in these programs to work in partnership with schools and districts.

As you have heard today, just briefly I will mention, teachers have a greater impact on student learning than anything else in schools, though most States and districts don't act like it. Current policies discourage those who are effective teachers from staying in the profession and those who could be great teachers from entering all together, and they offer few incentives for the strong teachers to take on the toughest assignments.

While there are many outstanding educators in the field today, clearly there simply are not enough of them. And not enough of the most effective educators are teaching the students with the greatest needs.

You already have heard about, in high-needs schools, nearly three-quarters of math classes are taught by teachers who lack a major or minor in math. Research has shown that having an effective teacher for 5 years can close the achievement gap between low-income and high-income students, as Ms. Haycock mentioned.

With this in mind, TAP is designed to support schools in providing every child with an effective teacher, and we try to do so by countering many of the traditional drawbacks that have plagued the teaching profession: ineffective professional development, lack of career advancement, unsupported accountability demands, and low undifferentiated compensation.

TAP provides an integrated solution to these challenges. We believe such a comprehensive approach is essential, combining performance pay and career ladders with school-based professional development delivered during the school day and a standards-based evaluation system that also provides feedback to teachers and helps them to understand what it is they need to do to do better.

We consistently tell schools, "Don't do performance pay in a vacuum." Our research has shown the importance of a comprehensive approach, such as that that is taken in the bill before you today.

Since the year 2000, TAP has been involved in implementing its program in 15 States and the District of Columbia. As of this fall, about 180 schools are in the process of implementing TAP, serving about 5,000 teachers and 60,000 students.

Just briefly, this is outlined in my written testimony, but I would like to briefly summarize some of our results.

Our primary goal is increased student achievement. In our evaluation reports, we find that teachers in TAP schools are, on average, more effective than similar teachers in control schools. By "more effective," we mean more likely to achieve a year's growth or more than a year's growth with their students.

As Mary Kay mentioned at the beginning of the panel, achieving more than a year's growth every year in a row with students at a high-needs school is a real challenge, and there are a number of supports that are necessary for teachers. And we think that programs like ours and others you are considering under this bill would help to achieve that.

So you heard today, again, about Stewart Street Elementary and D.C. Preparatory Academy from the teachers who were on the panel. We have similar results in high-needs schools in other States and districts. This fall we are excited because we are beginning implementation in Chicago, with a partnership with Chicago Public Schools and the Chicago Teachers Union. More than 40 school faculties voted "yes" to participate in this program. We require a faculty vote. Although there were only 10 slots to fill, we were really delighted with this level of interest from the teachers. And we think that we have seen this type of evidence of teacher support in a number of other locations around the country. We were pleased to see that you also had these requirements in your bill.

In addition, our program helps to reduce teacher turnover and increase retention of effective educators. In South Carolina, they have been implementing this program for a number of years, and the way they chose the schools to start the program were those that had rates of teacher turnover in the 30 to 40 percent range every year. These were high-needs schools.

In a number of these districts, we found that, after 1 or 2 years of the program, they were able to reduce those turnover rates to less than 10 percent. And we find that is really essential to be able to keep those effective educators in the high-needs schools.

In addition, you heard from others on the panel about the problem of trying to get effective educators to teach in high-needs schools and to keep them there over time. Usually, teachers start in a high-needs school, they get some experience, and then they move to a school that is maybe not quite as challenging.

Through our program, we are finding that teachers are moving from higher-socioeconomic schools to lower-socioeconomic schools. And part of the reason is because there are opportunities, such as Mary Kay took advantage of, to become a master or mentor teacher with additional responsibility, additional challenge and additional compensation.

As one example, in a particular district in Louisiana—there is more detail in my testimony on this—75 percent of the teachers who assumed the new master teacher positions—there were 60 of

them in the first year we implemented there—75 percent of those teachers came from a higher-socioeconomic school to a lower one that was implementing TAP. We were quite pleased with that result.

We also find that TAP increases collegiality. We find that over 70 percent of teachers in TAP schools report increased levels of collegiality. This is despite the fact many are concerned that performance pay will lead to competition and to a lack of collegiality in schools. We find the opposite.

I think part of the reason for this is because we build professional development that allows the teachers to work together in a team, and this really helps to balance the performance base, and the entire system then becomes something the teachers are extremely supportive of.

As I mentioned, one of our priorities is working with teachers and getting their buy-in for these programs. That is essential. And in Cincinnati, we are working with the local AFT affiliate to bring the program to that school district. In Columbus, we are working with a local NEA affiliate. And we have worked with many others across the country, in Minneapolis and elsewhere.

In some of these locations—and I would point out Minneapolis as one example—it was the local union who really was the instigator of the program and helped to design what it would look like. That was an essential element of success there, we believe. We think that is important.

In addition, our program has been able to generate other funding. I see my time is running out, so I won't get into that detail.

Finally, the reason we support the draft reauthorization bill before you today and the committee's focus on performance pay through that bill, as well as through the Teacher Incentive Fund, we believe that there are a couple of things in that bill that are particularly important.

Performance bonuses are based on multiple measures of effectiveness, but one of those is student achievement gain. We find that is extremely important. The evaluations must be based on objective criteria. That is also key. Student learning gains are measured using growth models. That way, teachers with students who start out at a lower level of achievement are not disadvantaged compared to their peers. And funding for master and mentor teachers is in place, so that those who are going to help teachers improve their skills are there in the school setting. That is very important. That is why the career ladder is such an important part of the proposal.

So to conclude, we think it is essential that this new funding, new performance pay and career ladders for new teachers is tied to the accountability system that has been established by the Congress. We found that asking teachers to perform at extraordinary levels in high-needs schools, making more than a year's growth with every student every year, must be accompanied by additional support and compensation for this effort, and there must be funding for the support staff of professionals in the school in the form of master and mentor teachers to provide this intensive support.

When this intensive support is provided, we agree with the committee that new funding must be linked in part to increases in stu-

dent achievement and to measures of teacher effectiveness in the classroom. And just to clarify, in terms of increases in student achievement, we look at both classroom achievement as well as schoolwide achievement in our program.

We also believe the career ladders are extremely important, and I think you have seen evidence of this today from some of the folks who have testified before the committee.

To conclude, performance pay programs that include opportunities for career advancement and professional support, such as TAP and others, have demonstrated their success in supporting teachers in high-needs schools in making more than a year's academic growth. This is what will be required to close the achievement gap, we believe, and we encourage you to include these provisions as you move the bill forward.

I would be happy to take any questions.

[The statement of Ms. Van Hook follows:]

Prepared Statement of Kristan Van Hook, Senior Vice President, Public Policy and Development, National Institute for Excellence in Teaching

Thank you for inviting me to testify today. The National Institute for Excellence in Teaching (NIET) is a non-profit dedicated to improving teacher quality and advancing the teaching profession. Our signature program is the Teacher Advancement Program (TAP)—a performance pay and professional development system that is increasing student achievement, and improving teacher recruitment and retention in high need schools.

Challenges in Teacher Quality and Retention Today

Teachers have a greater impact on student learning that anything else in schools. Yet most states and districts do not act like it. Current policies discourage those who are effective teachers from staying in the teaching profession and those who could be great teachers from entering altogether, and they offer few incentives for strong teachers to take on tougher assignments.

Secondary and elementary schools will need to hire over two million new teachers by the end of the decade, and 50% of those new teachers are not expected to remain in teaching more than five years. The turnover rate is even higher in high-need schools.

While there are many outstanding educators in the field today, there simply are not enough of them, and not enough of the most effective educators are teaching the students with the greatest needs. As an example, in high-need schools, nearly three quarters of math classes are taught by teachers who lack a major or a minor in math.

Research confirms that teacher quality is THE most important school-related factor affecting student achievement. 43% of the variance in student achievement is based on teacher qualifications, 49% on home and family, and 8% on class size (Marzano). And yet in districts we have worked with, class size reduction represents over one half of title II funding expenditures.

Research based on schools in Texas has shown that having an effective teacher for five years can close the achievement gap between low income and higher income students, essentially overcoming the advantage provided by a higher income home and family. Research based on schools in Indiana shows that having an effective teacher versus and ineffective teacher equals one full year's academic growth.

Unique Solutions Provided by the Teacher Advancement Program

The Teacher Advancement Program counters many of the traditional drawbacks that plague the teaching profession: ineffective professional development, lack of career advancement, unsupported accountability demands and low, undifferentiated compensation. TAP provides an integrated, comprehensive solution to these challenges—changing the structure of the teaching profession within schools while maintaining the essence of the profession. TAP is a whole school reform intended to recruit, motivate, develop and retain high quality teachers in order to increase student achievement.

Since 2000, TAP has been involved in implementing its reform in 15 states plus the District of Columbia. As of fall 2007, more than 180 schools are in various stages of implementing the TAP performance pay program, serving more than 5,000

teachers and 60,000 students. TAP has enjoyed sustainability in its programs: 78 schools in 10 states have been in TAP for 3 years or more.

In designing TAP, we surveyed the research, consulted with academics and outstanding elementary and secondary school teachers and principals, and applied experiences from success in the private sector. From these sources, we created a four-element approach.

1. Building the Capacity of Teachers and Principals through Professional Development that is directly aligned to content standards and elements of effective instruction and takes place during the regular school day, so educators can constantly improve the quality of their instruction and increase their students' academic achievement. This allows teachers to learn new instructional strategies and have greater opportunity to collaborate, both of which will lead them to become more effective teachers.

2. Additional Roles and Responsibilities allow teachers to progress from a Career, Mentor and Master teacher—depending upon their interests, abilities and accomplishments. This allows good teachers to advance without having to leave the classroom and provides the expert staff to deliver intensive, school-based professional development that supports more rigorous coursework and standards.

3. A Fair, Rigorous and Objective Evaluation Process for evaluating teachers and principals. Teachers are held accountable for meeting standards that are based on effective instruction, as well as for the academic growth of their students, and principals are evaluated based on student achievement growth as well as other leadership factors. Evaluations are conducted multiple times each year by trained and certified evaluators (administrators, Master and Mentor teachers) using clearly defined rubrics which reduces the possibility of bias or favoritism.

4. Performance-based Compensation Based on Student Achievement Gains and Classroom Evaluations of Teachers throughout the Year. Student achievement is measured using "value-added" measures of student learning gains from year to year.

Performance pay is based on standards and assessment—both valid and reliable measures of student achievement that are used to calculate progress under NCLB. TAP changes the current system by compensating teachers according to their roles and responsibilities, their performance in the classroom, and the performance of their students. The new system also encourages districts to offer competitive salaries to those who teach in "hardto-staff" subjects and schools.

By combining these elements in an effective strategy for reform, TAP is working to turn teaching, especially in high need schools, into a highly rewarding career choice. The real reward will be the outstanding education available to each and every student in the country.

The Human Capital Challenge

Teaching is struggling to keep pace with other professions, particularly as women now have many more professional options than was true in the past. In the period 1971-1974, 24% of teachers scored in the top decile of high school achievement. In 2000, only 11% did.

In high poverty schools the challenge is greater. 34% of teachers in high poverty schools come from the bottom quartile of SAT scores compared to only 9% in low poverty schools. Only 8% of teachers in high poverty schools come from the top quartile of SAT scores, compared with 23% in low poverty schools.

TAP Outcomes

Student Achievement:

TAP's ultimate outcome is improving student achievement. Our most recent evaluation report of TAP was released in January 2007 and compares TAP schools to similar control schools. The report finds that in TAP schools nationwide, on average TAP teachers produce higher student achievement growth (defined as a year or more than a year's student academic gains) than non-TAP teachers. And on average, more TAP schools outperformed similar non-TAP schools in producing an average year's growth or more in both reading and math achievement. Additionally, in most comparisons between TAP schools' AYP results and statewide AYP averages in 2004-2005 and 2005-2006, TAP schools compare favorably with the state as a whole when considering TAP schools' higher share of students on free or reduced-price lunch rates. A summary of the report is included at the end of my statement in Appendix A. For the full evaluation report, The Effectiveness of the Teacher Advancement Program, visit our web site *www.talentedteachers.org*.

Specific examples of student achievement gains:

The Teacher Advancement Program has demonstrated strong student achievement gains throughout the country.

For the 2005-06 school year, Stewart Street Elementary in Gadsden County, Florida, a high need school, ranked #15 of the top 100 elementary schools in the state, gaining an outstanding 88 points from the previous year. Similar elementary schools in Gadsden County gained/decreased from 44 points to −15 points. Stewart Street Elementary's school grade increased from an "F" to a "C" on Governor Bush's A+ plan in the first year. At the end of the 2006-2007 school year Stewart Street had earned a "B" and made Adequate Yearly Progress (AYP). Another Florida TAP school, Gray Middle School in Lake County, ranked #18 of the top 75 middle schools in the state, gaining an impressive 71 points. Similar middle schools in Lake County gained from 57 points to 4 points. Gray Middle School rose from a "C" to an "A" on the state's A+ plan.

TAP schools in Eagle County, Colorado have also had very strong results in increasing student achievement. In the 2004-2005 school year, 12 Colorado TAP schools (86%) increased the percentage of students at proficiency or higher in either reading, mathematics, or in both categories. For example, Brush Creek Elementary School made an average gain of 31 percentile points in mathematics. And finally, 73% of TAP schools in Colorado made AYP in 2004-2005.

In Rapides Parish, Louisiana, according to state iLEAP fourth-grade test results, the number of Forest Hill Elementary students reaching "basic" and above proficiency increased from 73 to 90 percent in math, and from 76 to 85 percent in English/language Arts since implementing TAP. Ninety percent of the students showed "basic" and above proficiency in science. Similarly, Forest Hill's School Performance Score increased from 105.2 to 114.7 after just one year of TAP, and by the end of the 2005-06 year, jumped a staggering 21.2 points to 124.5—the largest growth in the entire parish. Because of its extraordinary achievements, the State of Louisiana named Forest Hill a Distinguished Title I School of the Year, an honor presented to only two schools in the state. To mark this achievement, the school was honored at the 2007 National Title I Conference in Long Beach, California, and was among 100 award recipients.

Assessment data from Forest Meadow Junior High School, in Dallas, Texas, highlights significant gains in math proficiency from 2004-2006. The percentage of all students meeting assessment math standards increased at a higher rate between 2005 and 2006 than between 2004 and 2005, 3 % gains compared to 1 % gains.

The 2005-2006 school year marked not only the first year of TAP implementation at Thurgood Marshall Elementary, a high need school with more than 80% of students receiving free and reduced lunch, in Dallas, Texas but also the first year of being in existence. In its' first year, Thurgood Marshall achieved recognized status from the state of Texas for its academic achievement. It also made significant progress with groups that are most in need. The percentage of At-Risk students that passed the TAKS increased 25% on writing, and 10% in math. Similar increases were seen among economically disadvantaged students (14% in writing and 9% in math). Thurgood Marshall also had a school—wide value added gain in 2005-2006 its first year of existence of a 5—showing the school met more than a year's worth of growth. *

Finally, in the 2005-2006 school year, South Urban High School in Columbus, Ohio outperformed two other high schools with similar demographics in the same district. South Urban increased their math scores by 10 percentile points while one similar school increased by 2 percentile points and another decreased by 2 percentile points. In reading they increased their scores by 2 percentile points while both other schools demonstrated a decrease of 12 percentile points in reading scores.

Teacher Turnover/Retention:

The Teacher Advancement Program, with its strong support system of professional development led by master and mentor teachers in the school, has helped to reduce teacher turnover.

At Bell Street Middle School in South Carolina, teacher turnover was a serious problem with approximately 40% of teachers leaving in the 1999-2000 school year, and 32% the next year. TAP was introduced in the 2001-2002 school year, and by the 2003-2004 and 2004-2005 school years, teacher turnover had dropped to below 10% each year.

Attracting Talented Teachers to High Poverty Schools:

In the past six years we have seen effective teachers move from high SES schools to low SES TAP schools. In Calcasieu Parish, Louisiana, at least 75% of the teachers assuming the 60 master teacher positions, transferred from a higher SES school to one with a lower SES. Similar results also occurred in South Carolina.

Collegiality:

In our annual survey of teacher attitudes, we found that over 70% of teachers in TAP schools report high levels of collegiality and satisfaction. We believe these results are a natural outgrowth of TAP's ongoing applied professional growth. Whatever concerns teachers have over the shift in culture to performance based compensation and rigorous accountability is tempered by the cluster groups that naturally facilitate collegiality.

TAP Continues to Grow

TAP's successes in recruitment, retention, effective teaching practices and most importantly increased student achievement have led to huge growth over the lifetime of the program. A few of these examples are below.

In evaluating TAP teachers and similarly TAP schools, SAS EVAAS calculates the effect of each teacher on student progress as assessed by the difference between the growth scores of the teacher's students and the average growth scores of the control group, which defines a year's growth. We then place each teacher (TAP and control) in one of five categories.

Teachers in categories "1" and "2" produced less than an average year's growth with their students, and teachers in categories "3", "4", and "5" produced a year's growth or more with their students.

The initial success of TAP in a few schools in Louisiana has led to the expansion of the Teacher Advancement Program (TAP) in 39 schools across the State including the New Orleans area.

Columbus, OH and Cincinnati, OH are expanding implementation of TAP based on its success in the initial four schools in Columbus. These schools serve high-need students and had experienced difficulty in attracting and retaining teachers prior to their implementation of TAP. In Cincinnati, the local AFT affiliate has led the effort to introduce the program; in Columbus, the local NEA affiliate has been the lead partner in introducing this reform.

Following a highly successful implementation of TAP in three Dallas area schools, the Texas State Department of Education allocated funds for an additional six schools to implement the program. Last year, the Texas legislature passed a bill providing $140 million for the expansion of performance pay programs in districts and schools across the State.

TAP served as the model for the development of Minnesota's Q Comp program which is now operating statewide. Additional schools are implementing TAP using funding through the Teacher Incentive Fund.

What Makes TAP Work

We have seen that TAP's implementation has been most effective in schools with strong teacher-level support. Teachers as well as administrators must be willing to commit time and energy to create positive change. For TAP to be successful it must be imbedded in the normal routine of the school, which requires modifications to traditional school schedules as well as development of team-oriented approaches to instruction. We have seen that for a performance-pay plan to be successful, certain conditions must exist: All teachers must understand both the standards by which they are being judged as well as the scoring rubrics used to measure those standards; every teacher must be evaluated multiple times by trained and certified evaluators; and most importantly, high quality, ongoing professional development opportunities must be made available so teachers are prepared to meet these rigorous professional standards.

Schools must be confident money is available to reward the efforts of their most effective teachers. When these elements are in place, we find that teachers view the idea of measuring and rewarding their performance based on their skills and behaviors in the classroom, and the learning gains they help their students achieve, as fair and acceptable. We believe that the proposed funding for performance pay and career ladders in the draft NCLB reauthorization bill meets these criteria.

Key Elements of Successful Performance Pay Systems

NIET recently released a report along with 11 other teacher quality organizations, Creating and Sustaining Successful Performance Pay Programs, which summarized the findings from performance pay programs across the country.

TEACHER SUPPORT AND BUY IN—resources are invested in explaining the system to teachers, incorporating their suggestions, and providing ongoing training, mentoring and coaching; teachers are central to the selection and approval of the program.

CLEAR STANDARDS FOR EVALUATIONS based on research, that are fully explained to teachers

FAIR EVALUATIONS BY MULTIPLE, CERTIFIED EVALUATORS which reduce potential bias of a single evaluator

OBJECTIVE MEASURES OF STUDENT LEARNING GAINS (VALUE ADDED) and a data system that links student and teacher data

HIGH QUALITY PROFESSIONAL DEVELOPMENT that is school-based and supported by master and mentor teachers who help teachers to customize strategies for their classrooms

OPPORTUNITIES FOR CAREER ADVANCEMENT AND RECOGNITION many outstanding teachers decide to remain in the classroom by becoming a master teacher, and they also often agree to teach at a higher need school in order to take this position.

MULTIPLE FACTORS USED TO CALCULATE PERFORMANCE PAY, AND REWARDS THAT ARE SIGNIFICANT generally TAP schools allocate $2500 per teacher to the fund, and bonuses range from several hundred to several thousand dollars per teacher based on performance.

SIGNIFICANT EFFORTS TO IDENTIFY FUNDING SOURCES including federal, state and district funds, private foundation funds

RIGOROUS EVALUATION of the program and a feedback mechanism to incorporate changes and improvements into the program

Why we support the TEACH Act and the draft NCLB reauthorization bill

All of the above elements we find in the draft bill before the Committee. For example, evaluation criteria must be based on objective criteria and developed in collaboration with local teacher unions. In addition, evaluation criteria must be based on multiple measures of success including student learning gains, principal evaluations, and master teacher evaluations, and student learning gains are measured using growth rather than absolute level of achievement, thus ensuring that all teachers have an opportunity to benefit. Funding for master and mentor teachers ensures that the school based personnel necessary to support teachers in increasing their skills are in place. For these reasons we support the draft bill before the Committee and the provisions for performance pay and career ladders in particular. We also believe the bill addresses three key challenges facing states and districts interesting in reforming their teacher compensation systems, including:

I. FUNDING FOR PERFORMANCE PAY AND CAREER LADDERS We strongly support the bill's proposed funding for performance pay programs and career ladder programs. While there are many other important proposals impacting teacher quality in the bill, we believe these two programs are critical. States and districts need funding to move toward new ways of supporting and rewarding effective teaching, and for encouraging effective teachers to select and remain in high need schools. We have found that asking teachers to perform at extraordinary levels in high need schools—making more than a year's growth with every student, every year—must be accompanied by additional support and compensation for this effort. And there must be funding for the support staff of professionals in the school, in the form of master and mentor teachers, to provide this intensive support for the improvement of teaching practice. This requires funding, and we urge the Committee to support the proposed funding for these efforts.

We also applaud the Committee's requirements that this new funding be linked in part to increases in student achievement. Too often in the past, professional development has been delivered without any measure of whether teachers took it back to their classrooms or whether, if they did, it had any impact on student achievement.

II. SUPPORTING SCHOOL-BASED PROFESSIONAL DEVELOPMENT THROUGH CAREER LADDERS Another challenge addressed by these proposals in the bill is creating the school-based, job-embedded professional development to support meaningful increases in teacher skills, and an effective leadership team to deliver ongoing training and support. The bill's support for career ladder programs will provide the funding necessary for school-based professional development. This will enable schools to set aside time during the school day for job-embedded professional development that is directly tied to student needs at that school as identified by student data.

This funding will also support the development of effective leadership teams that include teachers—creating distributed leadership that is critical to meeting school goals.

III. DATA TO CALCULATE VALUE-ADDED GAINS The bill also calls for data systems to support the measurement of gains in student achievement. We believe that performance pay must be based on gains in student learning rather than absolute levels. By measuring gain, teachers with lower achieving students are not disadvantaged compared to their peers teaching more advanced students. If our goal

is to encourage effective teachers to teach high need students, we must ensure that they are rewarded for gains these students make.

Summary

We encourage the members of the Committee to support strategies and policies that have been proven effective in addressing the need for effective educators in high need schools and districts. Performance pay programs that include opportunities for career advancement and professional support, such as TAP, have demonstrated their effectiveness in increasing student achievement, as well as increasing recruitment and retention of effective educators in high need schools.

The challenge we face is how to support teachers in high need schools in making more than a year's academic growth with their students every year. This means our teaching staff must be consistently exemplary, and we must create an environment that encourages them to remain in high need schools over time. One time bonuses will not ensure that effective educators remain in these schools past the period of the bonus. Ongoing bonuses, earned each year, are far more effective in retaining effective teachers over time.

In a high need school there is a tremendous need to create an ongoing support structure that enables teachers to continually improve the effectiveness of their instruction if students are going to continue improving academically. We believe the proposed draft bill accomplishes this goal. I would be happy to answer any questions you may have.

[Additional material submitted by Ms. Van Hook may be viewed at the following Internet address:]

http://edlabor.house.gov/testimony/091007KristanVanHookTestimony.pdf

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Chairman MILLER. Thank you very much.

Are there questions for the panel?

Mr. Hare?

Mr. HARE. Thank you, Mr. Chairman.

President Weaver, you mention in your testimony that—I am quoting—"We are gravely disappointed that the committee has released language that undermines education collective bargaining rights."

I wonder if you could perhaps expand upon that. And, from your perspective, what would we need to do to fix that, from your perspective?

Mr. WEAVER. I think what the draft currently is looking at is mandating, through the language, that there be issues as it relates to those issues that are regularly bargained, that once it is in the language in a Federal bill, then it takes away for the local employee and employer the opportunity for them to agree.

We know as well as you that educators are hired by the local district and not the Federal Government. And as such, whatever the terms and conditions under which they work, it should be bargained at the local level.

So we would suggest that any time you are talking about usurping the rights of the employee by taking away their collective bargaining rights by mandating it through Federal mandates, we think that that is not right.

Mr. HARE. Mr. Weaver, do you share Ms. Van Hook's testimony about teacher performance pay?

Mr. WEAVER. Do I share her——

Mr. HARE. Her views on that?

Mr. WEAVER. No.

Mr. HARE. Could you explain that? I am sorry for the loaded question. Let me rephrase it. Let me rephrase it. Could you tell me what your differences are with Ms. Van Hook's?

Mr. WEAVER. Well, many of our State and locals, you know, as it relates to compensation, they are really open to looking at compensation and how compensation is addressed, but they are not open to having it mandated to them. They are not open to having it indicate that it should be based on student performance when, in fact, they may not have any control over the students that come to them.

So, once again, to flat-out say that our locals and States object to different types of compensation is not true. But, in fact, if, in fact, there are going to be different types of compensations that they are going to be working under, then they want to be able to have a say in terms of having it bargained collectively or if, in fact, collective bargaining does not exist, then 75 percent of the teaching force agree to it.

Mr. HARE. Would the AFT share that view?

Ms. CORTESE. There are many of our locals that do have compensation programs, and many are involved in TAP.

I would share with what Reg said about the fact that—and also pick up on something she said, and that is that TAP works when it is a collaborative effort. And I don't think that there is a one-size-fits-all. And therefore, I don't think that the Federal Government ought to be in the business of mandating what shall be in a plan for either career ladders or for some kind of compensation program. That is really up to the local district and the local teachers' bargaining unit.

Mr. HARE. Ms. Rooker, I just wanted to say, I was listening to you; that had to be a real morale downer for the people at that school. They worked so hard to do so well, and at the end of the day, now you are sending letters out to the parents after all this work.

And I just wanted to know, you know, just from a—I mean, morale-wise, this had to be really very difficult, I am assuming, at best.

Ms. ROOKER. I have to be frank with you, I have really downplayed some of the sanctions against us because student morale and employee morale makes all the difference. If you feel good about yourself, you do well. So we do a lot of positive affirmations at my school. There is a very positive climate. And we are going to continue with that because we have a mission to accomplish and we are successful.

My biggest fear is next year we may face a whole restructuring of our school, and yet we are doing all the right things. We want to do that.

Mr. HARE. So you are getting punished for doing the right thing? That makes no sense.

Ms. ROOKER. Exactly.

Chairman MILLER. Just following up on that, Ms. Rooker, I heard you outline this in Florida, and I thought it was important that members of the committee—because I think I heard one version of this or another from many members of the committee as

they talked to local school officials. And it is obviously the conundrum that we are trying to work out here.

Some people have different reasons why this happened, or didn't happen. Some people blame the Florida system; other people blame the Federal system. But I think it is the challenge of this effort, reauthorization, to try and work that out.

So I thank you for taking the time. I know you think, "I traveled all this way for 5 minutes?" but it is an important piece in the mosaic, as we try to figure out the best way to reauthorize this law. But I thought you put a very real face on what districts are facing. Our job now is to sort of decipher how that is to happen. Thank you.

Ms. ROOKER. Thank you.

Chairman MILLER. Following also on Mr. Hare, President Weaver and Ms. Cortese, you are both aware that the language in the legislation is the language that AFT and NEA negotiated and accepted and has promoted and has asked Members of Congress to support over the last couple of years. It is identical to that language.

Mr. WEAVER. I don't believe it is, Congressman.

Chairman MILLER. It is identical to that language, Mr. Weaver.

Mr. WEAVER. Well, we have had discussions with your staff for the past week, week and a half, trying to negotiate some language, but that was not acceptable.

Chairman MILLER. No, no, Mr. Weaver, that was acceptable, and your people got up from the table. And that was not about the language in the bill; it was about changes to the language in the bill.

The language in the bill is identical to that which you and a number of other organizations, business organizations, reform groups, over the last couple of years worked out and then supported and have, in fact, supported and asked people to support over the last couple of years.

Mr. WEAVER. In anticipation of that question being asked, I asked our staff to put together chronological events, and I do have that. It will speak to it.

Chairman MILLER. We will exchange them after the hearing.

Mr. WEAVER. That speaks to the fact that, in 2005, we did send a letter talking about general support for the TEACH Act, but it was not talking about specific support.

Chairman MILLER. But the language you are objecting was specifically in the language of the TEACH Act, and you knew that, and you negotiated.

Mr. WEAVER. When we negotiated——

Chairman MILLER. When you negotiated the TEACH Act.

Mr. WEAVER. We were also under the impression, and we have that too, that speaks to the fact that conversations did occur between your office and ours that said that there would be some type of communication before it was introduced, in hopes that it could be made——

Chairman MILLER. Mr. Weaver, we are talking about the language. You can dance all around as you want. You approved the language. It was introduced. It has been introduced the last couple of years.

Mr. WEAVER. Congressman, we are talking about the language. And when we talk about negotiating and talking about straightening up and clearing up, we are talking about the language.

Chairman MILLER. I just want you to know, as a starting point, you didn't come in here suggesting that there should be change in the language. You suggested you were opposed to the concept. For a starting point, let us start from what was mutually arrived-at language which you participated in, AFT participated in, and that is the language that is in the bill. You want to start from a point now and talk about how you might or might not change that; that is a different proposal.

Ms. Sanchez said that the mandates were paid based solely on the test scores of students. Now, you know that that is not true because you never would have negotiated that language. You would have never let the TEACH Act, be introduced in that fashion with your name on it. It isn't solely based on test scores. It is one of a series of factors that can only be done within the inside of the collective bargaining agreement, and the language is clear on that.

We don't have time to decipher all of those changes, but that is the fact, and it is important. We have asked people to come here on the discussion draft and discuss the language in the discussion draft, and people have made, just in my series of take-aways today, just from suggestions people have made, questions that I will be raising with members and with staff that is based upon the language.

The language in the discussion draft with respect to performance pay or TEACH Act or teacher improvements and mentoring and all that language that was mutually arrived at between a very diverse group of parties.

Ms. CORTESE. Can I get in a question?

Chairman MILLER. Sure.

Ms. CORTESE. In 2005, AFT sent you a letter. And in that letter, we clearly stated that, while the AFT is supportive of the overall bill, referring to the TEACH Act, we do have a specific concern about its support for programs that use student test scores to evaluate teachers. Our position has never changed.

Chairman MILLER. Right. But the suggestion now that you never participated in the drafting of that language I think is to mislead where we are in that process.

I agree this is not a done deal. I agree that this is controversial. But we ought to start from a common basis, and the common basis was that language which you participated in drafting. I am just making this point for the record.

We will continue these discussions. I appreciate that.

Ms. CORTESE. I hope so.

Chairman MILLER. Mr. Kildee?

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

I just want to invite President Reg Weaver back to Flint, Michigan.

Your last trip there was very successful, and I appreciate it.

Mr. WEAVER. Thank you very much.

Chairman MILLER. Mr. Scott?

Mr. SCOTT. Thank you.

I would like to ask Ms. Van Hook and Ms. Hughes: Ms. Van Hook, you indicated that in South Carolina a school dropped from 40 percent to below 10 percent. The teachers in that school made more money, paid more.

Ms. VAN HOOK. I am sorry, that they made more money?

Mr. SCOTT. Right.

Ms. VAN HOOK. Yes. They were participating in the performance pay program.

Mr. SCOTT. How much more did they make?

Ms. VAN HOOK. The average bonus money into the pool per teacher is $2,500, but then the bonuses can range anywhere from $300-ish to $5,000.

So not every teacher gets the same bonus. It depended on three factors: One is their teacher classroom performance, one is their individual value-added student gains, and one is the school-wide value-added gains.

Mr. SCOTT. The average is how much?

Ms. VAN HOOK. The average per teacher into the pool is $2,500.

Mr. SCOTT. Ms. Hughes, how much more did the teachers make in Washington?

Mr. HUGHES. At the school I teach at, in our first year we didn't do performance-based pay. So this is our first year. And I am not privy to how much the other teachers got as bonuses because it is very individualized.

Mr. SCOTT. Okay.

Mr. Weaver, you have indicated a Federal interest. One of the problems we are dealing with, and Title I recognizes this, and that is the schools most in need usually get the short end of the stick when left to the local devices.

How could we make sure that the schools in need get the best teachers if it is not a TAP act structure?

Mr. WEAVER. I would suggest that we begin to no longer continue to talk about three things that we have been talking about for 25 years based on reports from committees and commissions, and that is only talking about standards assessment and accountability. As long as you only discuss those things and not talk about the other parts of the education puzzle, we will never be able to have for those schools what we know they need.

I am suggesting that we talk about economic structure and tax base and adequate and equitable funding, because those are the kinds of things that are needed in order for children to be successful and in order for educators to be successful.

We all know what needs to be done. But the question is, do we have the courage to make sure that the entire education puzzle is talked about, as opposed to just three parts?

Mr. SCOTT. Well, Ms. Cortese, do you want to comment on that? Even within the school district, I think it is fair to say that the schools most in need are the least likely to get the best teachers.

Mr. WEAVER. Well, yes, because, in many instances, the teachers who go to the better-off suburban schools, they know in those particular schools the pay is better, there are less discipline problems, more parental involvement, the schools are safe and orderly——

Mr. SCOTT. Even within your jurisdiction, you can use your seniority to go to the easiest schools. And my question is, how can

we incentivize the best teachers to end up at the schools that most need their skills?

Mr. WEAVER. What I am suggesting to you, sir, is to make sure that in the schools where children have greatest needs that their environment be the same, their commitment on the part of the policymakers be the same as they are over here in those schools that have those particular kinds of things.

You know what they are, and I know what they are. But the question is, why is it that the schools that we are talking about don't have those?

Mr. SCOTT. Ms. Cortese?

Ms. CORTESE. In my testimony, I mentioned that we know what works. And I do want to refer back to what was the old chancellor's district in New York City, the zone schools in Miami-Dade, the incentive programs in the South Bronx. It isn't rocket science to figure out the reasons that teachers would go to schools that have high poverty, and what that takes is good leadership, safe and orderly schools, good professional development, teamwork. It also could involve a financial incentive, especially if there is an extended school day.

So we know what factors work. And what we are trying to say to the members of this committee is, why don't we do what works rather than experiment once again? We know what attracts teachers to do that. I have given you the districts. There are more models around—the ABC District in California. We know what it takes to get teachers there.

The other thing I just want to mention is that the real differences here lie between districts and not necessarily interdistricts.

I want to take two examples. The average salary difference between a Title I and a non-Title I school is really not that large. And I fortunately took two districts from California. San Jose: The difference between Title I and non-Title I schools is 2.9 percent, which amounts to $1,890. In San Diego, it is $1,353, which is 2.7 percent. Now, there is a difference, but it certainly is not to the enormity that I think that we hear here.

And the real differences, as I said, lie between the wealthier districts who abut the poorest districts. That is where you will find the largest difference, and that is where it goes back to the whole issue of equity.

Mr. WEAVER. I was in a school on Saturday in Florida, and it was an F school. And the question that you raised was the same question that they were raising there. And my comments were the same.

What I found is that you had a committed principal, you had committed teachers. But what was happening, because of the label F, you had a number of students that were leaving. Parents were warning their kids not to go to that school because they didn't feel as though the school was successful. You had an administration that was not receiving the help and the support that they needed in order to make the school go from an F to a greater grade.

But I indicated to them, you know, "Just keep on working at it, and you will be successful," and encouraged the people that were there, the policymakers as well as parents, to make sure that they

had the same opportunity for those kids that they had for the kids in the ABC schools.

Chairman MILLER. Any further questions?

Thank you very much for your testimony and, again, your help to get us to this point in the process, and we look forward to continuing to work with you.

Our next panel is made up of State and local administrators: Mr. David Brewer, who is the superintendent of schools, Los Angeles Unified School District; Joan Wodiska, who is the director of Education, Early Childhood and Workforce Committee, National Governors Association; Mike Casserly, who is the executive director of the Council of the Great City Schools; Paul Houston, who is the executive director of the American Association of School Administrators; LaRuth Gray, who is the deputy director of the Metropolitan Center for Urban Education; and Michael Resnick, who is the associate executive director of the National School Boards Association.

Welcome.

And as we make the transition here, we will begin.

Admiral Brewer, thank you for taking the time to be with us.

STATEMENT OF DAVID BREWER, SUPERINTENDENT OF SCHOOLS, LOS ANGELES UNIFIED SCHOOL DISTRICT

Mr. BREWER. Chairman Miller and distinguished members of the committee, thank you for inviting me. My name is David Brewer. I am the superintendent of schools for Los Angeles Unified School District.

L.A. Unified is the second-largest and arguably most diverse school district in the Nation, spanning 27 ethnically and economically diverse cities. More than 91 percent of the district's 700,000 students are of color, and 76 percent of our students are eligible for the National School Lunch Program. More than 40 percent of our schools are English language learners, and of those, 94 percent speak Spanish as their native language. Eleven percent of our students are with disabilities. The district maintains more than 1,000 educational centers, 608 of which are Title I.

At LAUSD, we have experienced some success with the implementation of NCLB. An overwhelming majority of our teachers are highly qualified, our students continue to improve academically, and we remain committed to helping each and every one of our students meet adequate yearly progress targets.

But NCLB's inflexible, one-size-fits-all approach to turning around vulnerable schools has not engendered the substantial gains that Congress envisioned, but rather has penalized schools that are making significant gains. Despite achieving growth across all subgroups and all grade levels greater than the State, reducing the achievement gap, and missing AYP by only three of the 46 elements, LAUSD is entering its third year of program improvement. This means the district cannot be a provider of supplemental educational services and faces physical and programmatic controls and sanctions.

Of the district's 608 Title I schools, 309 have failed to meet AYP, 31 of which are newly identified. Fifty-one of the 278 LAUSD schools identified for program improvement in 2005 and 2006 made AYP for 2006 and 2007. This past school year, 15 schools made

AYP for 2 consecutive years and will exit program improvement status. Three of these schools were in corrective action and have now exited.

Upon first glance, these numbers appear startling. More than half of our Title I schools are not making the grade. But that is not a fair conclusion. Let me offer the committee some specific examples.

In 2007, Hamilton High School made proficiency targets for all significant subgroups. However, they failed to achieve AYP because they did not meet the 95 percent participation requirement. Eighty-nine percent of African American students took the English language arts exam and scored 37.1 percent proficient. The target was 23.3 percent. Ninety-two percent of Hispanics took the mathematics exam and scored 32.4 proficient. The target was 20.9 percent. Mathematically, even if enough additional students had taken the exams and none had scored proficient, the school would still have made AYP. However, because the rules are somewhat inflexible, the school failed to meet the achievement standards.

Venice High School serves an area that encompasses a major homeless population. LAUSD has 13,571 homeless students. Two-third of the Venice High School students are Hispanic, two-thirds socioeconomically disadvantaged, and nearly half are ELLs. In 2007, every significant subgroup made the targeted proficiency rates, with the schoolwide scores twice the target, yet the school failed to make AYP because of participation rates. Most rates hovered around 94 percent and barely missed the 95 percent requirement. Again, the entire school will be penalized because the school cannot meet the participation rate, despite meeting twice the target proficiency rates for most of the subgroups.

Congresswoman Linda Sanchez and I visited another one of our schools, San Miguel Elementary School, which serves an almost exclusive Hispanic population, 50 percent of whom are English language learners. This school met all AYP targets except one: English language learners failed to meet proficiency standards in English language arts by a mere 0.3 percent. Importantly, this school reclassified English language learners at a higher rate than the district or the State and showed a steady growth pattern, with significant number of students moving from below basic to basic.

Let me be very clear, with my military background, I will tell you point-blank, I am a strong believer in accountability. Now, we strongly believe in accountability, including participation rates, effective teachers and high academic achievement standards. But NCLB failed to provide the flexibility, room for innovation, resources targeted to those students who needed it the most, and proven strategies to assist our staff in turning around vulnerable schools.

We believe these stories illustrate the district's everyday reality. And, fortunately, the discussion draft represents a positive first step to alleviate a number of our concerns.

English language learners—Chairman Miller, we are very pleased to see that the discussion that we had and the discussion draft reflects Los Angeles Unified School District's recommendations regarding English language learners. We are particularly pleased that the draft makes improvement toward better meas-

uring and teaching English language learners. By definition, an English language learner is not proficient in English. Therefore, as the numbers require to test proficient or advanced continues to climb, it would be virtually impossible for any school with a significant number of ELLs to make AYP. The proposed change recognizes that fact and merely allows a school to take credit for its successes. To date, California has not implemented effective native language assessments, which has greatly impacted our ability to gauge the academic achievement of our ELL population.

Let me wrap up by saying this: There are several things that we support, and we think that the draft language is on track. We have schools that are coming out of P.I. status, and they are coming out of P.I. status with proven, what I call, methodologies. I have schools who basically are doing extremely well, but the biggest problem I am having in this district is being able to benchmark and replicate those particular improvements across the system. What I need are resources and flexibility in order for me, as a superintendent, and for me and for the board to go into these schools and make the requisite changes and can have, for example, intervention inside of schools. Supplemental educational services are okay, but frankly speaking, they do not get the job done.

We need learning teams. I need funding to help teachers collaborate. When teachers collaborate and work together, they do well. So we need those kinds of resources in order to make this work.

Thank you.

[The statement of Mr. Brewer follows:]

Prepared Statement of David L. Brewer III, Superintendent, Los Angeles Unified School District

Good afternoon, my name is David Brewer, and I am the Superintendent of the Los Angeles Unified School District (LAUSD). Thank you for the opportunity to testify at this hearing on the reauthorization of the Elementary and Secondary Education Act.

LAUSD is the second largest and arguably most diverse school district in the nation—spanning 27 ethnically and economically diverse cities. More than 91% of the District's 700,000 students are of color and 75% of our students are eligible for the National School Lunch Program. More than 40% of our students are English language learners (ELL), and of those, 94% speak Spanish as their native language. Eleven percent are students with disabilities. The district maintains more than 1,000 educational centers, 608 of which are Title I schools.

At LAUSD, we have experienced some success with the implementation of NCLB—an overwhelming majority of our teachers are highly-qualified, our students continue to improve academically, and we remain committed to helping each and every one of our students meet adequate yearly progress (AYP) targets. But, NCLB's inflexible "one size fits all" approach to turning around vulnerable schools has not engendered the substantial gains in achievement Congress envisioned, but rather has penalized schools that are making significant gains.

Despite achieving growth across all subgroups and at all grade levels greater than the state, reducing the achievement gap, and missing AYP on only three of the forty-six elements1, LAUSD is entering its third year of program improvement. This means the District cannot be a provider of Supplemental Educational Services and faces fiscal and programmatic controls and sanctions. Of the District's 608 Title I schools, 309 have failed to meet AYP—31 of which are newly identified. 51 of the 278 LAUSD schools identified for program improvement in 2005-06 made AYP for 2006-07. This past school year, fifteen schools made AYP for two consecutive years and will exit program improvement status; three of these schools were in corrective action and have now exited. Upon first glance, these numbers appear startling. More than half of our Title I schools are not making the grade, but that isn't a fair conclusion. Let me offer the committee specific examples of schools that failed to meet AYP:

The following three criterion were not met:

• 23% proficient in English language arts—21.3% English Learners and 12.8% Students with Disabilities were proficient in English Language Arts.

• 23.7% proficient in Mathematics—15.3% LAUSD students with disabilities were proficient.

• Have a graduation rate of 82.9%—The graduation rate declined from 65.6% in 2006 to 62.8% in 2008, a 2.8% percent decline in the first year that students were mandated to pass the high school exit exam to graduate.

In 2007, Hamilton High School students met proficiency targets for all significant subgroups. However, they failed to achieve AYP because they did not meet the 95% participation requirement. Eighty-nine percent of African American students took the English Language Arts exam, and scored 37.1% proficient (the target was 23.3%). Ninety-two percent of Hispanic students took the mathematics exam and scored 32.4% proficient (the target was 20.9%). Mathematically, even if enough additional students had taken the exams and none had scored proficient, the school would still have made AYP. However, because the rules are so inflexible, the school failed to meet the achievement standards.

Venice High School serves an area that encompasses a major homeless population. Two-thirds of the students are Hispanic, two-thirds socio-economically disadvantaged, and nearly half are ELL's. In 2007, every significant sub-group made the target proficiency rates, with the school wide scores twice the target. Yet the school failed to make AYP because of participation rates. Most rates hovered around 94% and barely missed the 95% requirement. Again, the entire school will be penalized because the school can't meet the participation requirement.

San Miguel Elementary School serves an almost exclusively Hispanic population—50% of whom are ELL's. This school met all AYP targets except one. English language learners failed to meet proficiency standards in English language arts by a mere 0.1%. Importantly, this school reclassified ELL's at a higher rate than the District or the state, and showed a steady growth pattern with significant numbers of students moving from below basic to basic.

We strongly agree with the need for accountability, effective teachers, and high academic achievement standards, but NCLB failed to provide the flexibility, room for innovation, resources targeted to those students who need it most, and the proven strategies to assist our staff in turning around vulnerable schools. We believe these stories illustrate the District's everyday reality. Fortunately, the discussion draft represents a positive first step to alleviate a number of our concerns.

English Language Learners

We were pleased to see that the discussion draft reflects our recommendations regarding English Language Learners. We are particularly pleased that the draft makes improvement toward better measuring and teaching English language learners. By definition, an English language learner is not proficient in English. Therefore, as the numbers required to test proficient or advanced continues to climb, it will be virtually impossible for any school with a significant number of ELL's to make AYP. The proposed change recognizes that fact and merely allows a school to take credit for its successes.

To date, California has not fully implemented effective native language assessments, which has greatly hindered our ability to gauge the academic achievement of our ELL population. The ability to test ELL's in the language most appropriate is educationally sound and will provide more accurate results. We do not want ELL's, or any students, to languish without recognition of their educational attainment. The modifications proposed would continue to assess these students and formally monitor their growth, but would do so without unfairly penalizing a school with unfair expectations. We are pleased to see that the discussion draft requires states to develop native language assessments in two years and that schools can use language proficiency tests in place of regular reading tests during that period.

Moreover, we are also pleased to see that states would have to identify testing accommodations for ELL's and develop a written plan for how teachers will be prepared to utilize accommodations appropriately. The Miller/McKeon draft provision to continue to count ELL's for three years after reclassification is an important and much needed step forward.

Increased Focus on Secondary Schools

We are pleased to see the increased focus on secondary schools in the discussion draft. We would greatly benefit from the expansion of resources during this critical and often under-resourced stage of education. The Graduation Promise Fund offers a promising solution to the overwhelming challenge of improving achievement in middle and senior high schools.

Growth Model

LAUSD strongly supports the required development of a statewide longitudinal tracking system and the implementation of a comprehensive growth model that provides credit to schools for gains made toward the annual measurable objectives. We are pleased that the draft would allow states to measure growth in individual student achievement over time instead of comparing cohorts of students.

While the District has the capacity to implement the growth model today, the state of California does not. I urge the committee to allow local educational agencies to adopt and implement a growth model for AYP purposes.

Multiple Indicators/Assessments

We welcome multiple measures that will help provide a comprehensive picture of student achievement rather than a snap shot based solely on a single test. While we like most of the categories enumerated in the draft's list of multiple indicators, we have significant concerns about including college enrollment rates. To track college enrollment would require an enormous data gathering effort and would not necessarily be accurate. FERPA rules would make it difficult to track students who are 18 years and older. We do know how many students are college-ready, but would find it difficult to track enrollment. Additionally, we know that some high schools are very successful in enrolling their graduates in college, but those students are not necessarily those who complete even their first year. Because those elements measured become the required, we fear that college enrollment would become the only measure of "success" and would negate the value of career preparation that does not result in college.

Tiered Sanctions

Current law required schools that failed to make AYP to implement the same menu of interventions with no consideration of its circumstances. The discussion draft creates a two-tiered intervention system that would categorize schools that fail to meet AYP as "priority" or "high priority" schools, and allow them to implement corrective interventions accordingly. We are pleased that the draft moves away from a general prescription for all schools and provides schools—in conjunction with school districts and states—with some flexibility to implement targeted and specific interventions.

It is important to note that we remain concerned about the draft's required use of interventions such as supplemental education services. To date, there has been no credible research that concludes that supplemental education services are effective at improving student achievement. The most vulnerable schools should not be required to spend limited Title I funds on unproven programs that divert resources away from research based interventions.

Comparability

We agree with the committee that teacher quality is crucial to the achievement of our students, and we are pleased that the committee sought to address equitable placement of highly-qualified and effective teachers. However, we have significant concerns about the proposed requirement regarding comparability of teacher salaries. The implementation of this provision would require burdensome record keeping as well as mandatory transfers of teachers (a potential conflict with collective bargaining agreements). Teachers must already meet the requirements to be highly qualified and teach within their designated subject fields. Conceivably, a school may be required to release a dynamic teacher with outstanding academic preparation in order to hire a more seasoned teacher with lesser qualifications. We fail to see how that could improve instruction for our students. The requirement to have comparable expenditures of state and local funds among schools should be just that, and schools should determine how to most effectively appropriate funds to meet the needs of students.

Increased Administrative Costs and Paperwork Requirements

The draft does not recognize the increased administrative and record-keeping costs that would be required. Some of the areas that would increase costs include the requirement to explain why consensus was not reached with a private school, tracking college enrollment rates, and the requirement to make the supplemental education services application available online, for example. The meager portion of federal funds that can be spent on administrative activities are already insufficient to cover the full costs, and some of the elements in this draft would increase the encroachment of Title I on school district general funds.

Conclusion

I would like to close by sharing with you one of the District's most significant accomplishments. I am very proud to say that the only high school in California to ever exit after being in Program Improvement for five years is an LAUSD school—Banning Senior High School. This achievement was the result of a concerted, sustained effort on the part of the school, the District, and the community, and reflects strong leadership at the site.

According to Banning Principal Michael Summe:

• The staff focused on developing a strong partnership between teacher, administrators and parents.

• Data was used to develop individual plans for each student to identify their strengths and weaknesses, and services were provided according to their needs.

• The District supported the infrastructure by providing extra administrators (reading recovery administrator, bridge coordinator, dropout program advisor, and academic coaches). The District also identified and supported Achievement Solutions as the professional development provider, initiated periodic assessments for all schools to inform instruction, and provided infrastructure requirements to sustain small learning communities.

• Banning was the first comprehensive high school to have an approved plan for wall-to-wall small learning communities. Businesses and the Port of Los Angeles provide internships, enrichment activities, and academic supports.

• Professional development was determined by academic departments. The school has exceptionally strong math and English departments, and they developed interventions that focus on standards and reaching students.

We know that with adequate resources we can replicate the Banning Senior High School model around the District, but we need Congress to pass a law that will provide the much needed flexibility, resources, and room to develop and implement innovative and proven programs.

I know that the members of this committee have a serious task ahead of them with the reauthorization of NCLB and I know that you all care about the future of our children as much as we do at LAUSD. I thank you for the opportunity to share our thoughts and concerns, and I welcome your questions.

Chairman MILLER. Thank you.

Ms. Wodiska?

STATEMENT OF JOAN WODISKA, DIRECTOR, EDUCATION, EARLY CHILDHOOD AND WORKFORCE COMMITTEE, NATIONAL GOVERNORS ASSOCIATION

Ms. WODISKA. Chairman Miller, members of the committee, thank you for inviting the National Governors Association to testify today. My name is Joan Wodiska, and I am the director of the NGA Education, Early Childhood and Workforce Committee. I am pleased to be here on behalf of the Nation's Governors. Governors Carcieri and Henry wanted to be here but were unable to be, given their tight schedules and the short time frame.

The Nation's Governors call on Congress to refine and reauthorize the No Child Left Behind Act. They believe that NCLB is a landmark Federal education law that brought transparency and accountability to our Nation's public schools. The law fundamentally altered the expectations of our public education system from one of compulsory attendance to compulsory performance for every student. Governors embrace this goal and are committed to ensuring that every student succeeds.

For this reason, Governors are very encouraged by a number of the proposed modifications in the initial discussion draft that appear consistent with NGA's NCLB recommendations. Specifically, I would like to highlight allowing growth models, the differentiation of consequences, the classification of priority and high-priority

schools, flexibility to assess students with disabilities, reforms to the peer review process, and support for high school reform.

Governors also appreciate that the proposed high school graduation rate is consistent with the NGA high school compact endorsed by 48 governors. NGA looks forward to working with the committee to further refine the time frame, targets and the use of the 5-year graduation rate to ensure that NCLB can build off and support the work of Governors.

Governors also share a number of concerns with the discussion draft that, if enacted, could slow or reverse State advances. Throughout our Nation's history, education has primarily and properly been a State and local responsibility. States and schools are the laboratories of education innovation.

And despite this, NCLB scarcely recognizes that Governors exist. A quick scan of the 435-page discussion draft of Title I tells it all: The Secretary of Education is referenced 220 times. The Secretary of Interior appears 23 times. The word "Governor" appears seven times. If our Nation is to help all students achieve 100 percent proficiency, No Child Left Behind must ensure that the chief executive of each State is at the table.

The discussion draft also does not support a strong relationship between States and local school reform, especially in the area of improvement. State best practices in innovation should drive and inform Federal policy, not the other way around.

In addition, Governors have expressed concern with the proposed Federal mandate to test English language learners in their native language and to develop new tests for students with disabilities.

Also troubling is the proposed penalty that States would lose 25 percent of their administrative funds if the new testing mandates are not met within 2 years. Struggling States need a helping hand from the Federal Government, not a shove backward.

And while Governors are encouraged by the concept of local school improvement plans, they are concerned by the discussion draft's dogmatic requirements and the lack of State involvement. Overly prescriptive improvement plans are more likely to result in paralysis by analysis rather than empowering schools to succeed.

The draft also mandates that States create federally prescribed longitudinal data systems. Governors recognize and value the importance of the data. However, insufficient funding and time is provided to help States create these costly and complex systems. Additionally, the draft would unjustifiably alter and upset the approximately 29 existing and working State P16 systems.

Lastly, something missing from the draft that Governors hope to see is support for the creation of P16 councils. Governors support State P16 councils and hope that this proven State best practice can be incorporated into the reauthorization.

Governors also care about and are carefully reviewing a number of other provisions within the discussion draft, including the standard "n size," teacher quality and premium pay, a system of multiple measures, high school reform and college and work readiness. Governors continue to review these areas of interest and intend to follow up with the committee in the days and weeks ahead.

NGA is optimistic that Governors' concerns can be addressed with modest revisions to the draft as this process moves forward.

Governors have learned a lot since the passage of NCLB. They have learned what works, what needs to be reformed.

The last few years have been filled with a number of challenges as well as a few opportunities, but Governors are confident that they are ready to work with you to help achieve our national goal of helping every student succeed.

Thank you.

[The statement of Ms. Wodiska follows:]

Prepared Statement of Joan E. Wodiska, Director, Education, Early Childhood and Workforce Committee, National Governors Association

Chairman Miller, Ranking Member McKeon, members of the Committee, thank you for inviting the National Governors Association (NGA) to testify today.

My name is Joan Wodiska, and I am the Director of NGA's Education, Early Childhood and Workforce Committee. I am pleased to be here on behalf of the nation's governors to discuss NGA's perspective on the need to reauthorize No Child Left Behind (NCLB) and the recently released discussion draft of Title I.

The reauthorization of the No Child Left Behind Act comes at a time of significant economic and global change, and provides a critical opportunity for all levels of government to renew our commitment to high standards and partner together to strengthen education.

According to a recent nationwide public opinion poll conducted by Dr. Frank Luntz for the nation's governors, 9 out of 10 Americans—Democrats and Republicans alike—believe that if our nation fails to innovate, our children and our economy will be left behind. And while Americans believe we have the most innovative nation in the world at the moment—ahead of China and Japan—they see America losing ground in 20 years. Why? According to the poll, Americans believe that other nations are more committed to education. America's economic future is inextricably linked to education and the public's perception of our education system. Simply put, America cannot lead the new global economy if our education system is lagging behind.

Our nation has a powerful incentive to improve the education pipeline. In the next decade, two-thirds of new jobs will require some postsecondary education beyond a high school degree. To be competitive and create the conditions for strong economic growth, states need to help all of their residents increase their skills and be prepared for lifelong learning. Much is at stake.

Governors Call on Congress to Reauthorize NCLB

No Child Left Behind is a landmark piece of federal education policy that brought transparency and accountability to our nation's public schools. NCLB provided an important framework for states, schools, and parents to focus on student achievement and ensure our nation's competitiveness. Governors call on Congress to refine and reauthorize this important law.

Governors are committed to ensuring that every student succeeds—not just some students, most students, or the 'bright' students. Governors believe that education policy must improve student learning and enable all students to reach academic proficiency. Through disaggregated data, annual testing, and transparency, NCLB is helping states and schools focus on student academic achievement and, ultimately, close the achievement gap.

Governors' litmus test for NCLB and any proposed changes to the law is simple and straightforward: Does it help improve student learning? Any changes should adhere to this principle and not unnecessarily limit states' or schools' ability to teach and prepare every child for success.

Governors are encouraged by a number of the proposed modifications in the initial discussion draft of Title I. At the same time, they continue to review proposed changes that could potentially slow or reverse state progress in education or constrain school reform efforts. Governors believe that the Committee can adequately address these concerns as it moves forward through the process.

Areas of Support

Governors are encouraged by the following modifications that appear consistent with NGA's NCLB recommendations:

- differentiated consequences;
- classification of the Priority/High Priority school designations;
- providing flexibility to assess students with disabilities;
- recognizing success and supporting proactive solutions;

- a reformed peer review process; and
- the proposal of a uniform, disaggregated graduation rate.

With regard to high school reform and a common high school graduation rate, several years ago governors led the difficult and important work of redesigning America's high schools. This work can and should be supported through the reauthorization of NCLB to ensure that every student graduates from high school prepared to compete in a global economy. Governors are pleased that the proposed high school graduation rate is consistent with the NGA High School Compact that was endorsed by 48 governors. The discussion draft allows states to utilize an interim alternative high school graduation rate, allows for exceptions for special education diplomas and alternative education settings, and provides flexibility through alternative targets. However, governors urge the Committee to work with NGA to further refine the timeframe, targets, and how to most appropriately use the five year graduation rate for accountability purposes.

Areas of Concern

Role of Governors/States: Governors are concerned that the discussion draft does not adequately recognize the role of governors and states in education. Specifically, the law needs to recognize "governors" as well as state education agencies as valued partners in education reform. The bill should support a stronger relationship between governors, state education agencies, school districts, and schools to achieve transformational change of our education system and to help all students achieve proficiency.

Education is primarily and properly a state responsibility. Elementary and secondary education is broadly defined in state constitutions, specified in state law, and implemented by school districts. Governors, not the federal government, are constitutionally responsible for the education of their citizens. Governors must maintain the authority to oversee the operation of education in their states. Despite this fact, the discussion draft does not recognize the leading role of governors in education reform.

NCLB was intended to provide a framework for accountability. NCLB should build upon existing sound state education laws and practices, including the use of existing state assessments to determine student progress. For this reason, state best practices and innovation should drive and inform federal policy, not the other way around.

To this end, NCLB needs to empower states, and schools, to learn what works best to improve and support student achievement. NCLB can support sound state education practices and reinforce state and local control by incorporating language that (1) reinforces the role of states (including governors and other state officials); (2) allows other activities, solutions, or strategies "as identified by the state"; and (3) recognizes that provisions must be "consistent with state law."

Governors strongly support the use of accountability, but the measures, systems, and solutions must be determined at the state level, not by the federal government. Maximum flexibility in designing state accountability systems, including testing, is critical to preserve the amalgamation of federal funding, local control of educating, and state responsibility for system-wide reform. In short, NCLB must recognize that one-size-does-not-fit-all and that the nation's governors are a powerful leverage point to reform education.

Special Education: According to the discussion draft, a declassified special education student would remain in the special education subgroup for three years after moving out of the subgroup. Governors are concerned that this provision will seriously undermine accountability and state progress to raise academic standards for students with disabilities. The discussion draft would also federally require states to develop three different assessments for students with disabilities. The cost and feasibility of this federal mandate are unclear. NGA encourages Congress to refrain from mandating any additional federal testing requirements and to allow states to determine the appropriate test instrument to assess student performance.

English Language Learners (ELLs): Governors appreciate the provision giving states the flexibility to test the English language proficiency of new English Language Learners, the ability to appropriately reflect student performance gains, and to have those scores count for accountability purposes. Governors also appreciate the recognition that the development of new assessment tools is costly and will take time.

While these are improvements in the current law, the discussion draft would also require states to develop assessments in the native language for a group of ELLs that compose at least 10% of the school population, and may test any ELL student for up to seven years in their native language. Governors are concerned that the federal requirement to assess students in their native language and the provision

to allow assessment in a native language for up to seven years conflicts with the goal of obtaining proficiency in English. In some states, ELLs are being taught exclusively in English. Research is clear that students should be tested in the language in which they are taught. The cost, feasibility, and validity of this federal mandate are also unclear. NGA urges Congress to allow states to retain the authority to determine the appropriate test instrument to assess student performance.

State Penalties: States would lose 25% of administrative funding if ELL and special education assessments are not available within two years of passage of the bill. Governors are concerned that this penalty would punish states and further hinder the development of valid and reliable assessment tools.

School Improvement and Assistance Programs: According to the discussion draft, local education agencies (LEAs) would be required to develop detailed school improvement plans, subject to peer review by individuals chosen from the LEA. While governors are encouraged by the concept of developing school improvement plans, states are concerned by the prescriptive nature of the plans, the lack of a relationship to or oversight by the state education agency, and the need for a third party objective peer review process. In particular, NGA is concerned that the overly prescriptive data requirements on local schools may result in 'paralysis by analysis' rather than empowering schools to focus on key contributors to student and teacher success. Governors are also concerned that struggling schools may lack the capacity to develop strategies that will turn around their schools.

NGA encourages Congress to work with Governors to significantly improve this section of the discussion draft. The discussion draft should build upon state established priorities and research-based strategies that work to improve student achievement and teacher capacity.

Longitudinal Data Systems: According to the discussion draft, states would be required to create federally prescribed longitudinal data systems to monitor student academic progress across grades, despite the fact that many states already have existing data systems. Longitudinal data systems are an essential tool in states' efforts to close the achievement gap. Governors recognize the importance of these information systems for diagnosing performance and determining appropriate solutions; however, governors are concerned that an insufficient amount of funding and time will be available to develop and institute these costly systems, and that existing systems may need to be unjustifiably modified.

The discussion draft is unnecessarily prescriptive including its treatment of existing data systems, requiring states to form committees, requiring the federal government to certify state data systems with independent audits, and penalizing states for failure to implement such systems. While governors believe that data systems must secure students' privacy rights, the draft legislation interferes with states' need to use student data for legitimate educational purposes.

States are making substantial progress in building data systems to monitor student progress from early education to college or beyond. In 2006, only 13 states had data systems in place to calculate a four-year, longitudinal graduation rate; now 29 states can do so. However, states need more resources and time to finish this work.

Additional Gubernatorial Priorities

As part of their efforts to improve the competitiveness of states and the nation, the nation's governors have identified a number of additional priorities that the Committee should consider as part of its reauthorization of NCLB.

Voluntary International Benchmarking: The discussion draft proposes that the National Academy of Sciences evaluate state standards. This proposal falls short of the recommendations proposed by the nation's governors to help ensure that our students will be internationally competitive. As the Chairman of NGA, Governor Pawlenty of Minnesota would say, students no longer compete against their peers in neighboring cities or even states—our students must compete in the global economy. Unfortunately, neither the NCLB discussion draft nor the recently signed into law America COMPETES Act addresses governors' recommendation to assist states voluntarily benchmark state standards to skills measured on the Program for International Student Assessment (PISA) or Trends in International Mathematics and Science Study (TIMSS).

State P-16 Councils: Governors also support of the creation of state P-16 councils. P-16 councils are innovative and a proven best practice that should be accelerated across all states. Several of the major advantages of state P-16 councils include:

- smoothing student transitions from one level of learning to the next, e.g. high school to college;
- aligning teacher preparation with the demands of today's and tomorrow's classrooms;
- reducing costly administrative inefficiencies, duplication, or inconsistencies;

• identifying and fixing holes in the education pipeline; and
• closing the achievement gap and improving outcomes for all students.

Most notably, state P-16 councils are critical to help prepare students for postsecondary education. Specifically, state P-16 councils can:

• identify the skill gaps for students to prepare and be successful in higher education;
• redesign high school graduation standards to match college entrance requirements;
• target for improvement schools that produce students with high remediation rates; and
• improve student postsecondary success and attainment rates.

Additional Areas of Consideration: The nation's governors also care about and are reviewing several other provisions in the discussion draft including the proposed standard N-size, teacher quality and premium pay, a system of multiple measures, the alignment of state standards and assessments to college or work readiness, and the Graduation Promise Fund. Governors continue to review these areas of interest and intend to follow-up with the Committee during the legislative process.

Conclusion

When I was a child, my mother said to me, 'Anything worth doing is hard. And anything not hard, probably isn't worth much.' Education reform is difficult; it is also worth doing. Governors learned a lot since the passage of NCLB about what works and what needed to be reformed. The last few years were filled with both challenges and opportunities as we moved to improve education for our nation's students. However, work remains to achieve our national goal of helping every student succeed.

Governors are encouraged by the Committee's efforts to reauthorize NCLB in a timely manner. Across the country, governors stand ready to work with Congress and the Administration to refine and reauthorize the No Child Left Behind Act.

ATTACHMENTS: NGA OFFICIAL NCLB POLICY (ECW-2) EDUCATION REFORM; NGA-CCSSO-NASBE JOINT NCLB RECOMMENDATIONS; ECW-2. EDUCATION REFORM

2.1 Preamble

In today's competitive global economy, our kindergarten through twelfth grade (K-12) education system must prepare students to be successful in work, life, and in an ever and rapidly changing world. Governors support the tenets of the No Child Left Behind Act (NCLB) and are working to implement the law, close the achievement gap, and ultimately, improve achievement among all students. Congress should work closely with states to provide the necessary flexibility, while maintaining the principles of the law and holding education to the highest standard, to ensure that NCLB is working for states, school districts, and most importantly, our nation's children. During the past decade, the nation's Governors have been bold and effective leaders in the education reform movement. Under gubernatorial leadership, states have set higher standards for students and followed through with substantially increased funding to support districts and schools in helping students reach those standards. Governors have been at the forefront of the standards-based movement to improve student achievement. However, Governors recognize that much work still remains to achieve America's education goals.

Education is primarily and properly a state responsibility. Governors also recognize the important and supporting role of the federal government in education. The federal government can assist states by providing extra and essential assistance for students most in need, recognizing and assisting teachers, and supporting Governors' leadership authority through NCLB.

In the upcoming reauthorization of NCLB, Governors believe that Congress should reinforce and support sound state education practices, roll-back restrictions on states' ability to align and integrate delivery systems for students, assist and recognize the needs of our nation's teachers, and ultimately, support state efforts to raise student achievement. For this reason, Governors urge Congress to adopt and support the following recommendations to further reform elementary and secondary education.

2.2 The Role of Governors

Elementary and secondary education policy is broadly defined in state constitutions, specified in state statutes, and implemented by school districts. Federal law should support gubernatorial authority and state responsibility for K-12 education. Governors must maintain the authority to oversee the operation of education in their states at all levels. The fragmentation and diffusion of education governance creates competing interests and conflicts at a time when the system needs to move

toward collective goals for all students. For this reason, NCLB must recognize and reinforce the leading role of Governors in education. Governors believe it is essential for state education agencies to adhere fully to the consultation requirements of NCLB. The U.S. Secretary of Education should require certification of compliance.

2.3 P-16 Alignment of the Education System

Governors also have taken the lead in recognizing the fundamental state responsibility for a seamless progression from preschool through college (P-16) to lifelong learning. P-16 alignment is critical to ensure that students are prepared for and successful at each step within the education system and prepared for work, postsecondary education, and life. Recognition of this seamless educational continuum is important in fashioning federal education policies. Today's competitive global economies demand that our education systems start at an early age, be available to everyone, and continue for a lifetime. This can best be achieved through a vigorous federal-state-local partnership. Moreover, vigorous coordination among federal, state, and local education entities is important in fostering P-16 alignment of education laws. Congress should align the requirements, goals, and outcomes of NCLB with other federal education and workforce laws, promoting excellent education and smooth transitions for all students.

2.4 Accountability

Key to states' success is the use of accountability systems. Every state has developed new academic standards and assessments that measure progress against those standards. States are using standards and assessments as the foundation to build accountability systems that inform the public about the performance of students across the state and call for specific actions to be taken if a school or school district is not able to help its students do their best. Each state's accountability system is different because it aims to reflect the appropriate role that the state plays in education reform at the local level.

2.4.1 State Accountability Systems. Governors support an education system that focuses on performance, is aligned with the state's standards, and incorporates strong accountability mechanisms. Federal education resources must be accompanied by broad flexibility to ensure that those who work within the education system can be held accountable for their results. Governors strongly support the use of accountability measures, but these measures must be determined at the state level, not the federal level. 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. Governors acknowledge that with this additional flexibility comes an added responsibility for states to develop their accountability systems, including testing, and to satisfy the intent of NCLB.

2.4.2 Assessing Student and School Performance. Governors recognize the critical importance of meaningful annual assessment of students and schools and the need for reliable, disaggregated data to understand student learning as well as the strengths and needs within a school. Governors support the requirement in NCLB to annually assess students in reading and math in grades three through eight, as well as once in high school, and believe that a combination of state and local testing satisfies federal assessment requirements. The U.S. Department of Education should approve a state's assessment plan as being in compliance with any new federal requirements for annual state student assessments if the plan meets the goals of federal accountability policies.

2.4.3 Adequate Yearly Progress. Governors support measuring adequate yearly progress (AYP) for students to provide a clear picture of student performance at the state and local levels, and to diagnose areas of need for all subgroups of students. While refinement of AYP may be necessary to reflect real-world student progress, the tenets of the law to ensure that "no child is left behind" must be fiercely preserved to ensure that all students achieve their potential and that schools are held accountable for student performance.

Governors support the use of voluntary value-added or growth models to determine AYP. Congress should work closely with Governors in the development of legislation dealing with value-added or growth models to ensure maximum state flexibility and utility, while preserving the tenets of NCLB to raise student achievement. All states should be eligible to utilize value-added or growth models.

Limited English Proficient (LEP) students, one of the fastest growing groups of students in the nation, often have difficulties participating in assessments due to language barriers. Congress and the Administration should work with Governors to provide flexibility within AYP to ensure that LEP students are given adequate time

to overcome language barriers and make academic gains, and that LEP student gains are accurately reflected within school data.

Congress and the Administration should work to refine AYP to reflect the academic progress of students with disabilities. Governors believe that flexibility on alternate and modified assessments for students with disabilities should be addressed in the law. Additionally, Congress should continue to work with Governors to ensure accountability for the education of students with disabilities while also providing flexibility for and recognition of schools and states making progress.

Congress and the Administration should continue to work with Governors to ensure that states have the flexibility needed to appropriately measure the progress of all students while vigorously working to close the achievement gap among struggling students.

2.4.4 Data Collection. Congress and the Administration should promote, reward, and fund the voluntary use of state P-16 data collection systems. Exemplary state longitudinal data systems that measure student progress will help pinpoint the holes in the education pipeline by improving system-wide accountability and the relationship between teaching and learning, as well as inform resource allocation. Congress and the Administration must align NCLB and other federal education data requirements.

2.5 Teacher Quality

Congress should support state efforts to create a highly qualified teacher workforce. Governors believe that high standards for the teaching profession are central to improving student performance. States are adopting different strategies to improve teacher performance. Some successful strategies include high-quality and relevant professional development activities for teachers; teacher testing and certification based on high standards, such as those developed by the National Board for Professional Teaching Standards; merit or performance pay; teacher academies; alternative routes to certification; and other methods to ensure that teachers in all classrooms have knowledge of both subject matter and teaching methods. Professional development activities should be aligned with the state's content and student performance standards and should be tied to improving student achievement.

Governors support and recognize the importance of having highly qualified teachers in the classroom and are addressing issues of teacher preparation, licensure, induction, professional development, compensation, and advancement. In addition, states are rethinking how postsecondary institutions should prepare and provide ongoing support for school professionals. Through these efforts, states are making progress towards recruiting and retaining highly qualified teachers. While Governors support current state efforts to align teacher preparation and school leader preparation programs, any federalized efforts to link teacher preparation programs with student performance should be opposed by Congress. Instead, Congress should support state or federal strategies to encourage our nation's best teachers to accept the most challenging teaching assignments.

Congress should retain its emphasis on highly qualified teachers in every classroom so that all students may benefit from strong teaching. However, Governors urge Congress to provide and codify flexibility for teachers of multiple subjects in high-need areas, particularly for special education teachers and teachers in rural areas. Flexibility is crucial to ameliorating excessive burdens and teacher shortages due to highly qualified teacher requirements.

2.6 NCLB Rewards, Incentives, and Sanctions

2.6.1 Rewards or Incentives. NCLB should be amended to offer states rewards or incentives for raising student performance and holding schools to high standards. Congress should work closely with Governors to design an incentive or reward system in NCLB. Governors also believe that states should be enabled to reward or incentivize schools and school districts that raise student achievement. States, local districts, and schools that improve should not be penalized by the withdrawal of rewards or incentives when increased student achievement is reached. Federal funds should be available to states for such rewards or incentives, and any federal rewards or incentives program should be funded without a reduction in funding for critical education programs.

2.6.2 Supplemental Services and School Choice. Governors recognize the need to provide assistance to struggling students. Governors urge Congress and the Administration to allow states to raise student achievement by first offering supplemental services before providing school choice. Governors support this logical progression of services for students, with an emphasis on helping students receive high quality services while staying in their school.

2.6.3 School Restructuring and Sanctions. Governors must have the discretion and wide flexibility to intervene in their states to continue to improve education. Governors support, and urge Congress to expand, the current authority granted to states in NCLB to quickly address areas of need in their education systems. Governors urge Congress to expand and reinforce gubernatorial authority in this area as well. Any federal sanctions should provide states with the time, flexibility, technical assistance, and clear authority to resolve problems and assist schools in need of improvement. In addition, Governors urge Congress to provide additional support to states to assist schools in need of improvement, since meaningful school reform requires substantial resources and capacity.

2.7 Funding

The goal of NCLB—that every child will reach proficiency as defined by the state—is supported by the nation's Governors. Governors also believe that the federal government must commit sufficient resources to ensure that states, schools, and students have the means to reach this important goal.

Congress should support full funding for the real costs of achieving proficiency for all children. Congress must make critical and substantial investments in education to support school reform—through enhanced and aligned data systems, meaningful technical assistance, reliable research, ongoing professional development, enhanced student support services, and strong accountability systems—for the achievement gap to close and for every child to succeed. Effectively preparing our nation's students for the 21st century global economy also requires investments in supporting federal education programs to reflect the continuing nature of education. In addition, each and every federal education mandate impacts state and local budgets and is often offset by resources from other state or local programs. Federal policy and funds should focus on supports and incentives for raising student achievement; federal funds should not be withheld from struggling schools or their states, as this would reduce financial resources at a time when additional assistance is necessary.

In moving toward the goal of NCLB, Congress could achieve considerable federal savings by reducing and streamlining the administrative costs and burdens of the law on states.

2.7.1 Targeting to Greatest Need. Governors recognize the link between poverty and low educational achievement. Working in conjunction and in cooperation with the states, the federal government should continue to target Title I funds to schools with the highest concentration of students living in poverty. Such support is essential if the nation is truly committed to the belief that all students can achieve at higher levels. Congress also should support targeted assistance for states working to raise student achievement among struggling subgroups of students.

2.8 Waiver Authority and State Flexibility

As the implementation of NCLB continues, the U.S. Secretary of Education should be granted enhanced waiver authority for unforeseen issues and circumstances that arise from the law.

Governors support the important NCLB provisions on exceptional or uncontrollable circumstances, such as natural disasters, emergencies, or a precipitous decline in the state's economy. Moreover, Governors believe that the U.S. Secretary of Education should be provided greater and broader waiver authority in times of natural disasters or emergencies for states. This waiver authority should include but not be limited to extending or waiving reporting requirements; waiving or modifying fiscal requirements related to maintenance-of-effort; modifying the required and allowable uses of federal funds; waiving any matching requirements for federal funds; expanding federal transferability of funds and carry-over authority for states; extending the length of time for states and schools to obligate federal funds; and adding flexibility for teacher qualifications and adequate yearly progress.

2.9 Rigorous Curricula

2.9.1 Science and Math Programs. The nation's Governors recognize that the growing need for highly skilled workers has caused many American companies to look increasingly to other areas of the world. The Governors believe that the United States should accept no less than to ensure that America leads the world in global innovation and remains the world's number one source of researchers, discoverers, inventors, teachers, and health care workers. Therefore, it is essential to inspire young people to pursue science and math in their future education and careers. This can be achieved by implementing real reform policies that emphasize strong educational and research development systems at every level; by implementing rigorous math and science curriculum in our schools; and by featuring strong accountability for both students and teachers.

2.9.2 Technology. Governors recognize that technology is an integral part of daily life in the 21st century, from home to school to the workplace. The use of technology in schools is not only critical in preparing our nation's students for the ever flattening global economy, but it also is an important tool to increase access to education through distance learning.

As technology becomes increasingly woven into every day life and the world marketplace, our nation's students must develop mastery over technology in order to be the premier leaders in the global economy. In addition, schools are safe and nurturing environments for students to receive critical training and practice with computers and technology. Therefore, teachers must be prepared to seamlessly utilize technology to instruct students.

Governors urge Congress to continue investing in critical programs—including, but not limited to, Title V, assistive technology, and E-Rate—that support teacher and student mastery of 21st century skills.

Governors also recognize that distance learning is increasingly important to ensure that barriers to learning are removed and that all students have access to a diversity of learning options and highly qualified teachers, even in remote areas. In addition, distance learning can facilitate meeting the goals of NCLB by removing geographic and physical barriers to education. For these reasons, Governors urge the federal government to support distance learning programs and provide enhanced technical assistance to state departments of education in the development, deployment, and expansion of distance learning programs essential for academic subjects, advanced placement coursework, and technical training.

2.9.3 Literacy Programs. Governors recognize the importance of literacy improvement efforts at all age levels to prepare our nation's students for lifelong learning and work opportunities. Governors applaud federal efforts to help states expand and create multi-generational literacy programs of the highest quality that are based on reliable and replicable research. Governors believe that literacy programs such as Reading First, which provides grants to states to ensure that all students are proficient readers by the third grade, are important components of comprehensive literacy services. Governors support continued funding of student and family literacy initiatives.

2.9.4 Civics Education. Governors support federal initiatives that seek to help states educate a more knowledgeable citizenry. Efforts that focus on improving teachers' knowledge and supporting the state development of model curricula for history, geography, and civics are examples of initiatives that will help schools, school districts, and states better prepare their students for life in a global economy, while allowing states flexibility to meet specific state situations.

2.10 Other Supporting Elementary and Secondary Programs and Services

2.10.1 Parental and Guardian Involvement. Parents and guardians have the primary responsibility and right to make decisions about their children's education and must be included in any decisions made on behalf of students. Governors recognize that there are actions parents can take so their children can reach their full potential. States must be allowed to use federal funds to encourage and expand the work of schools through programs designed to support parents as their child's first teacher and to further parents' participation in their children's education while also promoting collaboration with other programs and agencies that support parent involvement.

2.10.2 Safe and Drug Free Schools. The Governors continue to place a high priority on making schools safe and nurturing environments for students. States have used federal Drug-Free Schools and Communities Act funds for diverse prevention efforts. Governors support the specific set-aside to assist Governors in implementing school safety and drug abuse prevention efforts and believe states should be allowed to coordinate related federal funds across state agencies for supporting state and local efforts to create a safe learning environment for all children.

2.10.3 Healthy Schools. The nation's Governors are committed to—and working towards—promoting healthy schools. Governors urge the federal government to support states in these efforts through voluntary child nutrition in school meals and classes; physical activity; and partnerships among schools, families, and the community on school health and wellness initiatives. Governors also support fresh fruit and vegetable programs for school meals. In addition, many states have realigned their human services delivery systems to ensure that young children come to school ready to learn and that these children's health and emotional needs are being met so they can focus on learning. Federal education programs, including opportunities for waivers from existing regulations, should give states the option to coordinate human services delivery systems.

2.10.4 Continued Federal Funding for Impact Aid. The federal government has a unique and historical responsibility to help finance the education of children connected to federal property on which no local property taxes are paid to support education. Any reduction in the federal government's commitment to impact aid would result in an unfunded mandate on states and local school districts.

2.10.5 School Construction Bonds. Governors urge Congress and the Administration to support the Qualified Zone Academy Bond program and to expand its use to new construction so that states may continue to upgrade and modernize educational facilities. The federal government also should ensure that the annual authorized limit on the federal tax credit is sufficient to meet states' needs.

2.10.6 Innovative Programs. Title V, Part A, Innovative Programs of NCLB, is an important program that provides critical, flexible funds to state departments of education and local school districts to help raise and improve student academic achievement. Despite the enhanced flexibility of NCLB, states and local schools continue to rely on this important program to provide and supplement educational services and resources that improve students' academic achievement. Governors urge Congress and the Administration to support and maintain funding for this flexible and important program.

2.10.7 National Assessment of Educational Progress. Governors recognize the importance of the National Assessment of Educational Progress (NAEP) to provide Congress with national data in an independent role. The NAEP results were designed as a national snapshot of student performance, as they were intended. State NAEP results are not comparable with State Assessment Results, since NAEP is not based on or aligned with individual state academic standards. NAEP should not be used as the primary measure of state proficiency or as a substitute for state assessments. Rewards or sanctions should not be levied on a state based on its NAEP results, but should rely on the state's own accountability system. In addition, Governors believe it is important to recognize that NAEP is designed as a representative sample and should not be required of every student; however, NAEP should provide appropriate accommodations for students with disabilities. Given the variety and breadth of high school assessments, Congress and the Administration should closely consult with Governors before mandating a twelfth grade NAEP. The federal government must continue to ensure that all related state and local NAEP assessment expenses are fully reimbursed.

Related Policies

ECW-13, High School Reform to Lifelong Learning: Aligning Secondary and Postsecondary Education
ECW-14, Public Charter Schools
ECW-15, Principles of Federal Preschool-College (P-16) Alignment
EDC-8, State Priorities in Communications

Time limited (effective Winter Meeting 2006—Winter Meeting 2008). Adopted Annual Meeting 1993; revised Winter Meeting 1994; reaffirmed Winter Meeting 1996; revised Annual Meeting 1996, Annual Meeting 1998, Annual Meeting 1999, Winter Meeting 2001, Winter Meeting 2002, Winter Meeting 2003, and Annual Meeting 2004; reaffirmed Winter Meeting 2005 and Annual Meeting 2005; revised Winter Meeting 2006 (formerly Policy HR-4).

JOINT STATEMENT ON REAUTHORIZATION OF THE NO CHILD LEFT BEHIND ACT (NCLB)

PREAMBLE

The reauthorization of the No Child Left Behind Act (NCLB) of 2001 comes at a time of significant economic and global change, and provides a critical opportunity for all levels of government to renew our commitment to high standards and partner together to strengthen education. In today's competitive economy, our education system must work even harder to prepare students to be successful in work, life, postsecondary education and in an ever and rapidly changing world. Every student must be prepared for lifelong learning. Much is at stake.

In this effort, NCLB provided an important framework for states, schools, and parents to focus on student achievement and ensure our nation's competitiveness. However, work remains to achieve America's education goals for every student.

RECOMMENDATIONS

Since the passage of NCLB, students were assisted by key provisions in the law, but states and schools also learned what areas needed additional modifications. Given this understanding, governors, chief state school officers, and state boards of education members are offering the following recommendations to improve the academic achievement of all students to ensure they are prepared for postsecondary education, work, and lifelong learning in the 21st century.

Enhance State Accountability Systems—State standards and assessments are the foundation of state accountability systems and inform the public about student performance. States support measuring students' and schools' yearly progress to provide a clear picture of performance and to diagnose areas of improvement. While refinement of measures is necessary to reflect real-world student progress, the goals of NCLB should be preserved to ensure that all students achieve their potential and that schools are held accountable for students' performance.

Recommendation

Allow states to use growth models to complement existing status measures. All states should be able to utilize a state-determined valid, educationally meaningful accountability system—such as growth models—to measure individual student progress. [Section 1111 and 6161]

Promote and support the use of multiple measures aligned to state standards to determine student progress as part of a graduated system of classifications for schools and districts that have been identified as in need of improvement. [Section 1111; 6111; and 6112]

Reinforce State Assessment Decisions—States recognize the critical importance of annual assessment of students and the need for reliable, disaggregated data to understand student learning as well as the strengths and needs within an individual school. States also support the annual assessments of students in grades 3-8 and once in high school. States are currently working to develop assessments in additional core subjects and grades.

Recommendation

States and localities must retain the authority to determine the appropriate testing instruments to assess student performance. [Section 1111; 1905; 9527; and 9529]

Refrain from mandating additional federal testing requirements. [Section 1111; 1905; 9527; and 9529]

Create Rewards and Differentiate Consequences—Currently, states are required to implement a system of rewards and consequences for all public schools and districts, including a series of required, escalating sanctions for Title I schools and districts. NCLB requires the same classifications and interventions for Title I schools and districts regardless of whether they missed adequate yearly progress (AYP) by a little or a lot, and regardless of the plans and capacities in place or interim progress. The focus of NCLB should shift from consequences to supporting proactive state and local solutions, providing incentives, and celebrating success in the education system.

Recommendation

Provide and dedicate sustained resources, technical assistance, and other supports for states to develop the capacity to assist schools. [Section 1002 and 1116]

Broaden the array of options to allow states and local school districts to differentiate and determine consequences and target interventions to student populations who do not meet AYP. [Section 1116]

Allow states to raise achievement by first offering supplemental services prior to public school choice where applicable. [Section 1116]

Work with governors and chief state school officers to develop a bonus system for states and schools that hold high standards and raise student performance in a significant manner. [Section 1111; 2113; and 2416]

Address Special Populations—States are committed to raising achievement for all students, including students with disabilities and English language learners (ELL). Their inclusion should continue, but in a manner consistent with their individual education goals and high expectations.

Recommendation

Work to close the achievement gap for students with disabilities through their inclusion in an accountability system, while also incorporating existing flexibilities into the law. [Section 1111 and IDEA]

For a limited group of students with disabilities, allow states to use alternate or modified assessments for students with disabilities, based on the student's individualized education program, to reflect student progress and achievement. [Section 1111]

Provide flexibility within AYP to ensure that ELL students are given adequate time to overcome language barriers and that ELL student gains are accurately reflected within school performance data through the use of multiple measures or alternative assessments. [Section 1111]

Support Teacher Quality—States recognize that high standards for the teaching profession are central to improving student achievement. States are working hard

to ensure that every classroom can benefit from strong teaching by adopting different strategies to improve teacher and principal preparation, performance, and retention, including high-quality and relevant professional development activities, merit or performance pay, induction programs, teacher academies, and alternate routes to certification.

Recommendation

Support state strategies to recruit, retain, and reward our nation's best teachers and principals. [Title II; Section 2002; 2113; and 9101]

Support expansion of programs, like the Teacher Incentive Fund, to reward teachers and principals. [Section 2113 and 2123]

Amend the highly qualified teacher (HQT) requirements to count 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 with regard to additional subjects based on the high, objective, uniform state standards of evaluation (HOUSSE). [Section 1116 and 9101]

Help states enhance their capacity to develop a highly qualified teacher workforce, including induction and mentoring programs to address retention. [Section 2113 and 2123]

Support state strategies to encourage our nation's best teachers to accept the most challenging teaching assignments and discourage the practices of emergency certification of teachers and out-of-field teaching. [Title II and Section 1111]

Optimize, Target, and Increase Resources—States have assumed significant new responsibilities under NCLB and are required to take core actions to implement federal law and move towards the goal of every child proficient by 2014. States support this mission, but also believe that the federal government must optimize, target, and commit additional resources to ensure that states, schools, and students have the means to reach the goals of NCLB.

Recommendation

Commit sufficient resources to enable success and close the achievement gap. [PL 107-110 and Section 1002]

Provide greater state and local flexibility to transfer federal K-12 funds to achieve the goals of NCLB. [Title VI; Section 6121; 6142; and 9201]

Invest substantial, long-term, consistent funding for state action and intervention in underperforming schools. [Sections 1002; 1117; and 2141]

Dedicate federal resources for states to develop state assessments and P-16+ state data systems, and to provide meaningful technical assistance, reliable research, support for teachers, and enhanced student support services. [Section 2113; 2141; 6111; 6112; and New Section]

High School Reform—Across the nation, governors and chief state school officers are leading efforts to redesign American high schools, including improving access to Advanced Placement coursework, strengthening P-16+ longitudinal data systems, and increasing access to dual enrollment and early college options. This work can be supported and expanded to ensure that every student graduates from high school better prepared for college and career success.

Recommendation

Expand and fund access to Advanced Placement (AP), International Baccalaureate (IB) and certificate programs for all students and preparation for teachers. [Title I, Part 6, Section 1704 and 1705]

Provide grants to governors and chief state school officers to develop, enhance, and expand state dual enrollment and early college programs. [Section 1803; 1811; 1822; and New Section]

Expand the use of technology to include e-learning, virtual high schools, or e-mentoring for high school students. [Title I, Part D; Section 1825; 2415; and 2416]

Voluntary International Benchmarking—Students no longer compete against peers in neighboring cities or even states—our students must compete in a global economy. The federal government should recognize and support states' initiatives to voluntarily benchmark state standards to international skill sets to help improve students' global competence.

Recommendation

Provide grants to governors and chief state school officers to conduct a voluntary analysis of state standards with the skills being measured on Program for International Student Assessment (PISA) and Trends in International Mathematics and Science Study (TIMSS) and incentive funds to implement governor-and chief-led solutions, including standards improvements. [New Section]

Reinforce Role of the States—States are positioned to build on the systems developed as part of NCLB and are eager to work with Congress and the Administration to reauthorize NCLB in a manner that recognizes the leading role of states and builds on states' tremendous accomplishments. To this end, NCLB should be revised to include a renewed state-federal partnership that promotes innovation and provides flexibility, while holding education accountable, to ensure that the law is working for states, school districts, and most importantly, our nation's students.

Recommendation

Amend NCLB to support, recognize, and reinforce gubernatorial and state education agency "states" authority over K-12 education. [Section 1111; 1905; 9101; 9527; and 9529]

Recognize and value the leading role states play in the development, implementation, and enforcement of federal, state, and local education policies. [Section 1111; 1905; 9101; 9527; and 9529]

P-16+ Alignment—States have taken the lead in recognizing the fundamental responsibility for a seamless progression from preschool though college (P-16+) to lifelong learning. P-16+ alignment is critical to ensure that students are prepared for and successful at each step within the education system. Recognition of this seamless education continuum is critical in fashioning federal education policies.

Recommendation

Align NCLB requirements, goals, and outcomes with other federal education and workforce laws, promoting excellent education and smooth transitions for all students. [IDEA, Perkins, HEA, and Head Start]

Support the development of state P-16 or P-20 Councils and state P-16 or P-20 longitudinal data systems to identify and shore up holes in the education pipeline. [Section 6111 and New Section]

Peer Review—States and local schools are the engines of education innovation. Working together, states and the federal government can promote this commitment to continuous improvement and utilization of best practices through the peer review process and allowance for waivers.

Recommendation

Work with states to share best practices and new innovations. [Section 1419; 1502; 1811; 2151; and 3303]

Ensure a strong state role in the selection of qualified state peers. [Section 6162]

Require a range of improvements in the peer review process with a focus on technical assistance, transparency, clear communication and dialogue with states, consistency in peer review standards and outcomes across states, timeliness of feedback and results. [Section 1111; 6162; and 9401]

Conclusion

The recommendations above represent the major issues Congress will face in reauthorizing NCLB. The nation's governors, chief state school officers, and state boards of education members submit these joint recommendations in an effort to craft a new federal education law that preserves NCLB's "bright line principles" while returning authority to states to ensure that all students are prepared for post-secondary education, work, and citizenship in the 21st century.

Governors (National Governors Association), chief state school officers (Council of Chief State School Officers), and state boards of education members (National Association of State Boards of Education) also recommend additional amendments to the law as outlined in their respective NCLB and ESEA policies. Our positions are also attached for your information.

Chairman MILLER. Thank you.

Mr. Casserly?

STATEMENT OF MICHAEL CASSERLY, EXECUTIVE DIRECTOR, COUNCIL OF THE GREAT CITY SCHOOLS

Mr. CASSERLY. Good afternoon, Mr. Chairman. And thank you for the opportunity to testify.

As the committee knows, the Council of the Great City Schools was the only national education organization to support No Child Left Behind, and we continue to do so. We backed up our support

with extensive technical assistance to our members on implementing the law and boasting student achievement, which I am proud to say now outpaces gains at both the national and the State levels.

The council is also pleased with the number of features in the draft bill. Items deserving special praise include the committee's unprecedented openness, the bill's consistency with the original intent of NCLB, the draft's recognition of local capacity limitations, and the bill's emphasis on pay-for-performance data systems and high school reform.

At the same time, the council has substantial concerns that we detailed in 30 pages of recommendations to the committee. In summary, we are concerned that the draft legislation lacks any meaningful attempts to encourage States to raise standards. We understand there is little appetite in Congress for national standards, which we think is too bad, but we contend there is room for a national pilot or State incentives that would move toward greater rigor and coherence in our educational goals.

The draft is also likely to apply the law's most serious and costly sanctions almost exclusively to the Nation's urban public schools, letting other schools mask their subgroup results and avoid penalties.

An example may help make the point. The bill divides schools in need of improvement into two categories, high priority and priority, according to the percent of students not proficient. No one has data on how this will work precisely, but a quick examination of Maryland data on the main criteria indicates that all but two of its high-priority schools would be located in Baltimore City or Prince George's County.

These school systems need improvement, to be sure, but 45 percent of all African American students in the state, 75 percent of all students with disabilities, 66 percent of all limited-English-proficient students, and 56 percent of all poor students go to a public school somewhere else in the state. The academic attainment of these groups outside of Baltimore and P.G. County is only marginally better than those inside, yet the bill would sanction schools more severely where failure is concentrated than where it is dispersed.

These disparities vary widely from State to State, depending on how each defines proficiency, seeks "n size" waivers and wants credit for multiple measures. We urge this committee not to exempt suburban and rural communities from accountability and isolate the cities as the only places facing the law's sanctions. Achievement gaps are a national issue, not just an urban one.

Another issue involves teacher placement, which we applaud you for tackling, but we don't think the bill gets to the heart of the problem by focusing on comparability. But we think this for the opposite reasons that you heard from the previous panel. The draft simply shuffles resources without attending to the research on teacher effectiveness or on State laws and collective bargaining agreements that underlie the problem.

The draft includes a provision that would also give schools credit for progress, but we don't think that the bill's growth model will do what the committee hopes. States using the bill's approach see

almost no effect with it. The problem is that the trajectory for improvement is too steep. We would solve this problem by adding safe harbor language to credit students moving from below basic to basic and proficient to advanced, rather than treating this provision as a multiple measure.

A further concern involves supplemental services. The bill sets aside large portions of Title I money for external providers who have avoided accountability and allows districts too little flexibility to use funds for strategies with greater likelihood of success. Nothing in the bill, moreover, explicitly allows districts to provide services, despite the research showing that schools can serve more students for less money with comparable results.

Finally, the draft imposes supplemental services only on schools in high-priority status. If these services are effective in raising student achievement, then they should apply to high-priority and priority schools alike. If they are not effective, they should apply to neither.

Finally, a word about the law itself. The promise of NCLB rests in its pledge of academic proficiency for all. But the law, mostly because of how it has been implemented, has devolved over the years into a paper chase that has too little to do with student learning. But the draft bill attempts to emphasize instruction to correct that problem, but it misses the mark in too many places with all the new requirements and procedures.

The Council of the Great City Schools has been proud to back No Child Left Behind, wants to support this latest iteration, but, Mr. Chairman, we are not there yet.

Thank you.

[The statement of Mr. Casserly follows:]

Prepared Statement of Michael Casserly, Executive Director, Council of the Great City Schools

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 hearing on the reauthorization of the Elementary and Secondary Education Act.

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.

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

[1] Beating the Odds: A City-by-City Analysis of Student Performance and Achievement Gaps on State Assessments, March 2006.

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 are proud of the fact that our urban school systems have seen steady academic improvements over the last several years. Our achievement gains, in fact, now outpace those at the national and state levels on both the state assessments and on the National Assessment of Educational Progress.

Still, our overall academic performance is below state and national averages; our racially identifiable achievement gaps remain wide—although they are not much wider than those of the nation at large; and our students and schools remain a focus of NCLB and some of the nation's most interesting and dramatic reforms. We understand the work we still need to do.

The Council of the Great City Schools is pleased with a number of features of the discussion draft that the committee has issued. Items deserving special praise include——

• The committee has been particularly open to ideas and suggestions from the public and from stakeholder organizations about how to improve the legislation. That the committee released a discussion draft is unprecedented.

• The discussion draft remains largely consistent with the intent of No Child Left Behind. It insists on accountability, progress, and results—none of which the Great City Schools seek to avoid.

• The draft bill provides additional time to implement instructional reforms and interventions. The draft language should mitigate some of the problems that school districts have with the annually cascading sanctions in current law. The draft also allows a planning year for schools that are in warning status, something that current law does not provide. We think that both of these provisions make instructional sense.

• The discussion draft also recognizes the current capacity limitations school districts have in simultaneously tackling reforms in numerous schools. We think this provision will help school districts focus more intensely on schools with the greatest needs.

• The draft makes a first step toward addressing issues of teacher effectiveness and distribution, although the provisions are not likely to work as intended.

• The draft also puts additional resources into the development of better and more comprehensive data systems. This investment should pay dividends later in our ability to measure progress and assess teacher effectiveness.

• The committee draft, moreover, authorizes a major new program—the Graduation Promise Act—to reform and improve the nation's lowest performing high schools with high dropout rates. The focus of the legislation and its targeting of resources and attention is exactly what's needed.

• Finally, the discussion draft authorizes the use of "growth models" and valuetable models that would credit schools for the progress they are making towards each state's annual measurable objectives. If implemented by the states, the provision could help guide instruction while acknowledging improvement.

At the same time, the Council has substantial concerns with the draft bill. We have submitted 30 pages of detailed comments and recommendations on which we pledge to work with the committee. Our overarching concerns include——

1. The draft legislation lacks any meaningful attempt to encourage states to raise content standards or to improve their consistency from state to state. There is a new provision that would authorize the Secretary and the National Academy of Sciences to study state standards and assessments and their rigor, and make recommendations on developing a common scale to compare their results. There is no mechanism in the draft, however, to spur states to heighten expectations.

While the Council is in favor of national standards in the core subjects, we understand there is little political appetite in Congress for developing and implementing them. Still, we contend that there is room for either a national pilot or some set of state incentives the law could put into place that would move toward greater rigor and coherence in our national educational goals. Leaving the current patch-

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[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 in instruction to Cincinnati, Cleveland, Columbus, Dayton, Denver, Detroit, Kansas City (MO), Milwaukee, Newark, New Orleans, Philadelphia, Pittsburgh, Richmond, St. Louis, Toledo, and Washington, DC.

work of disparate state standards in place will only aggravate the inequities we see in schooling from state to state and community to community. It also allows states to lower standards in response to NCLB, a problem that echoes through the draft legislation.

2. The discussion draft, moreover, is likely to apply the law's most serious and costly sanctions—choice, supplemental services, and restructuring—almost exclusively to the nation's urban public schools, leaving other schools to mask their subgroup results behind schoolwide averages and avoid sanctions. This runs counter to the stated intent of No Child Left Behind by easing penalties on schools where minority, poor, and disabled students are not concentrated enough to notice. The problem is created in the draft in a number of ways: the school improvement designations, the "differentiated consequences," the N-size provisions, and the multiple measures.

An example makes the point. The draft language divides schools in need of improvement into two categories: high priority and priority. A high priority school is one where half or more of its students are not proficient on the state test or one where two or more subgroups have less than half of their numbers proficient in reading and math. We (nor anyone else) do not have data yet on the second criteria, but a quick examination of Maryland data on the first criteria indicate that only 47 of the state's 883 elementary schools have less than 50 percent of their students proficient in math—all but two of which (45) are in Baltimore City or Prince George's County—and 25 schools with less than half of their students proficient in reading—all of which are in those two locations.

These two school systems need improvement to be sure, but 45 percent of all African American students in the state; 75 percent of all students with disabilities; 66 percent of all limited English proficient students; and about 56 percent of all poor students go to a public school somewhere else in the state beside these two school districts. The academic attainment of these subgroups outside of Baltimore and Prince George's County, however, is only marginally better than those inside. Yet, the draft bill would sanction schools more severely where failure is concentrated than where it is dispersed. The disparities become more or less exaggerated from state to state, depending on how each SEA defines proficiency, sets its cut scores, seeks exemptions to the N-size requirements, and seeks extra credit for such things as college-enrollment rates. This is inconsistent with the spirit of a law that insists that no child be left behind.

The provisions that produce this effect have political backing from wealthier communities that don't like having the spotlight shined on their achievement gaps. But we urge this committee not to let these communities exempt themselves from the law's accountability provisions and isolate the cities as the only jurisdictions facing the law's sanctions. The achievement gaps that are so much a focus of the bill are a national concern, not just an urban one. The committee cannot contain this issue inside our city limits. Nor should the committee abdicate these designations to the states, who have done everything in their power to game the law's accountability systems.

3. Another major concern we have with the draft involves the important issue of teacher placement. The committee is correct that the disproportionate and inequitable placement of qualified and effective teachers is a serious national issue, and we applaud you for tackling it. But we do not think the bill gets to the heart of the problem by focusing on comparability. In its simplest form, the discussion draft requires, for example, a school district to balance a Title I school having a $50,000 per year teacher and seven years experience with a non-Title I school having a $80,000 per year teacher and 17 years experience by allocating the difference—$30,000—to the Title I school, hardly enough to buy even a novice teacher. There is little research to indicate, however, that the 7-year teacher is less skilled or effective than the 17-year one, but there is no research to indicate that the novice teacher is likely to be very effective. The fiscal calculation proposed in the bill is likely to create problems that are impossible for us to solve without the corresponding authority to alter state laws or local collective bargaining agreements that often lie behind the problem. Passing the comparability requirement by itself allows the committee to claim that it addressed the problem without really doing so.

4. The discussion draft also includes important new concepts like "growth" that would give schools credit for the progress they have made even when they have not attained the state AMO. We applaud this addition to the law. We note two concerns, however. Our first concern is that the growth model, as currently proposed in the bill, won't actually do what the committee hopes it will do. The original two states, North Carolina and Tennessee, using the bill's model see almost no effect with it. Part of the problem is that the trajectory for improvement in the bill is tied to universal proficiency by 2013-14 and too steep to jump. We propose adding a "safe har-

bor" provision in the law to give credit to schools that also move students from below basic to basic and from proficient to advanced. This would have the added benefit of removing the current incentive to focus instruction solely on the "bubble kids," who are just below the proficiency bar. The current placement of this provision in the section on multiple measures is not likely to have much effect.

The second concern is that the use of the growth provision is entirely dependent on state discretion. There are large city school districts with data capacity as good as or better than their states that might be denied the ability to credit improvement if the state did not ask for the authority. We suggest adding a provision that would permit school districts with the capacity to use the approved growth model from another state if their own SEA did not seek such authority.

5. A further concern involves supplemental services. The discussion draft almost completely ignores the research to date that suggests services have moderate to negligible effect on state test scores and more students can participate when districts are providers alongside the private companies. Yet, the draft bill continues to set aside sizable portions of Title I money for providers who avoid accountability on the same measures on which school districts are responsible, and provides little flexibility to districts to use funds for other strategies with greater likelihood of success.

Nothing in the bill, moreover, explicitly allows districts to provide services, despite the fact that schools can provide SES to more eligible students for less money with comparable results. The percentage of eligible students served in cities where districts can provide SES is 24.3 percent, compared with 10.9 percent in cities where the district is not a provider.

Finally, the draft imposes supplemental services only on schools in high priority status. If these services are effective in raising student achievement, however, then they should be applied to high priority and priority schools alike; if they are not effective, then they should apply to neither.

Finally, a word about the law itself and what the new draft fails to correct. The promise of NCLB rests in its pledge to close achievement gaps and attain academic proficiency for all students, goals that galvanized support from the nation's urban schools. The law brought attention to students that schools had historically overlooked, required greater transparency in public reporting, and held school officials accountable for results.

But the law has devolved over the years into a compliance-oriented paper chase that has little to do with student learning. Instead, considerable effort has gone into specifying who should be providing what services, how teachers are credentialed, when sanctions are levied, and what data are reported. Unfortunately, precious little attention has been given to the instructional strategies and supports all schools need to attain the goals the legislation rightly set. The discussion draft makes an attempt to put more emphasis on instruction but it misses mark with all the new requirements and procedures.

Congress needs to steer the law away from its overbearing and largely ineffectual procedural rules, streamline its requirements, and return to NCLB's foundation in the standards movement. Most importantly, the reauthorization should direct the law's resources toward instructional practices that solid research indicates actually boost student achievement rather than toward costly activities that demonstrate little promise of success. At that point, No Child Left Behind really could meet the grand intent that its authors so boldly envisioned.

The Council of the Great City Schools has been proud of its support of No Child Left Behind over the years, has worked hard to implement the law, and wants to support its latest iteration. But we have major concerns that the draft has become a loose collection of eclectic provisions—all of which our schools, which operate the largest and most complicated programs in the country, will have to reconcile and implement.

Thank you for the opportunity to testify. I would be happy to answer your questions.

Chairman MILLER. Thank you very much.

Mr. Houston?

STATEMENT OF PAUL HOUSTON, EXECUTIVE DIRECTOR, AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

Mr. HOUSTON. Chairman Miller, members of the committee, I appreciate you staying with us into what is turning into the "no panel left behind" afternoon. [Laughter.]

My name is Paul Houston. I am executive director of the American Association of School Administrators. We are the national association for school system leaders, and I am here representing the nearly 13,000 public school superintendents that serve the Nation's children.

Reauthorization of the Elementary and Secondary Education Act was always a cause for hope among school administrators because, in the past, ESEA has focused on improving educational outcomes for low-income students. However, ASA had many issues with the provisions of the last ESEA reauthorization. In fact, we felt so strongly that we opposed that bill. Many of the concerns we raised, sadly, proved themselves, and we have seen schools and educators struggle with those provisions.

During this cycle, we commend congressional staff and members for the transparency of the process and the professional courtesy shown to our staff by members from both the majority and minority staff members. We are particularly pleased with modifications that you have put into the bill for the real education achievement program in the discussion draft.

However, while the draft identifies important issues that need to be addressed in the reauthorization, such as multiple measures and growth, it does not fully resolved those issues. There is inconsistency between some of the sections of Title I. There is increased complexity and confusion for AYP that makes estimation of effects impossible. There are 14 new reports and analysis required of local school districts that we can count. In addition, there is conflict between IDEA and Title I, inappropriate assessment of English language learners, and continuation of inappropriate provisions for the 5,000 small and rural school districts around the country.

We believe that problems exist in discussion draft because the flawed assumptions underlying NCLB have not been adequately reexamined. Where I grew up, we learned that when you lean your ladder against the wrong wall, you end up painting the wrong house. Solutions based on wrong or inconsistent assumptions are not solutions at all; they are simply new problems.

What are some of these incorrect assumptions? One is that the answers to educational questions should flow from Washington and from the Department of Education. There is no relief from the prescriptive nature of the current law. The discussion draft adds new prescriptive Federal authority, such as how to calculate graduation rates and what measures beyond tests could be used to judge schools. The changes make it impossible to estimate the effects on AYP, which must be addressed before implementation.

ASA believes that educators who are the closest to the issues and have the greatest experience working with children should drive the solutions. Our country is strong and vibrant because of our system of federalism and because we have had a partnership among local communities, States and the Federal Government. The last ESEA reauthorization badly strained that partnership, and new mandates emanating from Washington aren't likely to relieve that strain.

There are some other assumptions that I will just quickly touch on that are still built into this draft: that the annual standardized test will somehow ensure improvement in achievement; that a one-

size-fits-all reform can somehow reform a one-size-fits-all system, and there is no need to make exemptions for geographically isolated schools; the best way to estimate achievement is through a single standardized test; and that the best way to motivate professionals to change their practices and policies is to discredit public schools and focus shame and punishment on teachers and administrators.

One last assumption I would like to highlight that I think needs revision is the assumption that accountability models should focus on the information needs of the Federal and State policymakers. No one on this or any other panel would suggest that accountability should not be part of the educational improvement, but AASA believes that the only way to get close to what we feel is probably the unattainable goal of 100 percent efficiency is by focusing the accountability system on the information needs of teachers, principals and school system leaders.

We have only the time and funding for one accountability system. If you want to get close to the 100 percent goal, put the information in the classroom instead of in Washington.

The most encouraging change that we have seen is an addition of local formative assessments and accountability. While we think it may be a mistake to limit that, to not make it available to all States, it is important to get that concept included in the bill.

Accountability is more than student achievement, and student achievement is more than a test score. If America's children have any chance of success in a global market, they will need to be proficient in more than we can currently test. They need to be creative and curious, have a sense of adventure, be willing to challenge authority. Any system that reduces those skills or implies that only answering questions found in a bubble is good education is a system that ultimately weakens America's competitive position and undermines the potential success of our children.

In conclusion, we are pleased with the direction, transparency and professional courtesy of the process. However, at this time, we would be hard pressed to support the draft. We urge Congress to take the time to get the assumptions right, make the bill internally consistent, eliminate the conflicts with IDEA and accommodate the realities of rural schools.

Thank you.

[The statement of Mr. Houston follows:]

Prepared Statement of Dr. Paul Houston, Executive Director, American Association of School Administrators

Good morning. My name is Paul Houston and I am executive director of the American Association of School Administrators. We are the national association for school system leaders and I am here representing the nearly 13,000 public school superintendents who serve the nation's children.

The reauthorization of the Elementary and Secondary Education Act is always a cause for hope among school administrators. In the past, ESEA has focused on improving educational outcomes for low-income students.

AASA had many issues with the provisions of the last ESEA authorization. We felt so strongly that we opposed the bill. Many of the concerns we raised, sadly, proved prescient and we have seen schools and educators struggle with those provisions. During this cycle, we commend congressional staff and members for the transparency of the process and the professional courtesy shown to AASA staff and members by both majority and minority staff.

We are pleased with the modifications to the Rural Educational Achievement Program in the discussion draft. However, while the draft identifies important issues that need to be addressed in the reauthorization, such as multiple measures and growth, it does not fully resolve those issues. There is inconsistency between sections of Title I. There is increased complexity and confusion for AYP that make estimation of effects impossible. There are 14 new reports and analyses required of local school districts. In addition, there is conflict between IDEA and Title I, inappropriate assessment of English language learners and continuation of inappropriate provisions for 5,000 small and rural school districts.

We believe that problems exist in the discussion draft because the flawed assumptions underlying NCLB have not been adequately reexamined. Where I grew up, we learned that when you lean your ladder against the wrong wall, you end up painting the wrong house. Solutions based on wrong or inconsistent assumptions are not solutions at all—they are new problems.

What are some of these incorrect assumptions? One is that answers to educational questions should flow from Washington and from the Department of Education. There is no relief from the prescriptive nature of the current law. The discussion draft adds new prescriptive federal authority, such as how to calculate graduation rates and what measures beyond tests can be used to judge schools. The changes make it impossible to estimate the effect on AYP, which must addressed before implementation.

AASA believes that educators, who are closest to the issues and have the greatest experience working with children, should drive the solutions. Our country is strong and vibrant because of our system of federalism and because we have had a partnership among local communities, states and the federal government. The last ESEA reauthorization badly strained that partnership and new mandates emanating from Washington aren't likely to relieve that strain.

Other assumptions in NCLB that have not been fully corrected in the draft are:

- That annual standardized tests will ensure improvement in achievement;
- That one size fits all, and that there is no need to make exceptions for geographically isolated school.
- That the best way to estimate achievement is through a single standardized test; and
- That the best way to motivate professionals to change their practices and policies is to discredit public schools and focus shame and punishment on teachers and administrators.

Another assumption that needs revision is that accountability models should focus on the information needs of federal and state policy makers. No one on this or any other panel would suggest that accountability should not be a part of educational improvement. But, AASA believes that the only way to get close to the unattainable goal of 100 percent proficiency is by focusing the accountability system on the information needs of teachers, principals and school system leaders. We have only the time and funding for one accountability system. If you want to get close to the 100 percent goal, put the information in the classroom, instead of in Washington.

Accountability is more than student achievement and student achievement is more than a test score. If America's children are to have any chance of success in a global market, they will need to be proficient in more than we can currently test. They need to be creative and curious, have a sense of adventure and be willing to challenge authority. Any system that reduces those skills or implies that only answering questions found in a bubble is a system that ultimately weakens America's competitive position and undermines the potential success of our children.

In conclusion, we are pleased with the direction, transparency and professional courtesy of the process. However, we would be hard pressed to support the draft. We urge Congress to take the time to get the assumptions right, make the bill internally consistent, eliminate the conflicts with IDEA and accommodate the realities of rural schools.

Chairman MILLER. Thank you. I thought Admiral Brewer was going to get the most testimony inside of 5 minutes, but I think, Mr. Houston, you just one-upped him.

Dr. Gray?

STATEMENT OF LARUTH GRAY, DEPUTY DIRECTOR, METROPOLITAN CENTER FOR URBAN EDUCATION

Ms. GRAY. Chairman Miller, members of the committee, I am LaRuth Gray, deputy director of the Metropolitan Center for Urban Education at New York University.

But today I am representing the National Alliance of Black School Educators, a voluntary organization. And on behalf of the president, Dr. Emma Epps, superintendent of schools in Ecorse, Michigan, and our 140 national affiliates, we appreciate this opportunity to make further comments beyond our September 5 letter, which did include specific recommendations.

Just by way of introduction, our organization of 4,000 is comprised of a membership range in the field of education which brings together in one organization school board members, superintendents, retired educators, central office staffs, principals, higher education faculty and researchers. This provides a rich opportunity to have quite an interesting dialogue across those specific groups that speak directly to the needs of children of African descent.

Before I continue, the National Alliance of Black School Educators—you have heard it over and over again today, but we really do applaud you for doing public work, public business in the public. That is very important.

We have three things that we wanted to talk to you about, but let me just say that we do support the direction of several promising factors in the bill: the graduation promise fund, the comparability discussion, multiple measures, multiple indicators and those issues that talked to parent involvement.

But the three things that we are most passionate about is Title I funding, which is the anchor of the bill. The second is an accountability construct that allows for multiple sources of evidence, multiple indicators and the potential for measurement of student achievement, student performance, and progress. The third is the inclusion within the new bill of a pilot program of dual language, specifically targeted to poor Title I schools.

Let us go with the Title I funding in the targeting resource. Is the alliance concerned about Congress's commitment many sessions ago to fund special education of 40 percent? Of course we are. Is it concerned about the deteriorating school buildings? Of course we are. Are we concerned about teacher quality and class size? Of course. Are we concerned about parents and their role in this education equation? Of course. Are we concerned about "n size" and ELLs and SES? We are concerned about all that. Are we concerned that currently 30 percent, at least 30 percent, of the new public charter schools in America are run by for-profit organizations? Of course we are.

However, we are most concerned about full funding for Title I.

Currently, Title I is only 2 percent of the national K-12 spending. It has been 42 years since Congress and the Johnson administration moved to establish Head Start and Title I to help eliminate the large educational gaps that had long persisted among students from different socioeconomic levels in a society.

The notion was bold and courageous at that time, because at that time no country in the world was in possession of proven strategies for quickly closing such gaps. Indeed, here in the United States,

educators and policymakers did not yet have good national data on the extent to which academic achievement differed among groups.

However, the data that was available suggested that children from less-advantaged homes and communities and children without a rich construct of opportunity—there is that word again, "opportunity"—were experiencing much less academic success than they should or could. Congress and the President had the wisdom to make substantial new investments in the education of less-advantaged children.

At the core of our recommendations is the notion that parity and equity in student achievement and excellence in educational attainment for all citizens is dependent on the equitable and adequate targeting of Federal dollars based on need and on a substantial investment in other education-relevant resources. And in our appendix, we laid out those six.

Let me just say to you that in the last month we have been very pleased—or maybe it has been 2 months—we have been very pleased to see two things where it is clear that this Congress understands that: the Competitiveness Act and, of course, your just most recent passage of the College Cost Reduction Act. That sounds just right.

I won't go into—you know the purpose. But let me just say, the reality is that a significant number of children of African descent attend schools in very poor and rural communities. Of the current 300 African American superintendents who belong to AASA in the country, two-thirds had either poor, rural or newly resegregated school districts in suburban rings that are also very poor. Though we believe our recommendations benefit every student in America, we specifically speak to the needs of poor students of African descent.

In short, let us just remember that Title I was designed to compensate for the disadvantages in children's economic status and deficiencies in learning associated with home, school or community experience. We are still there 40 years later.

We actually provided for you, on September 5, a specific proposal that we think is on the right focus, and I won't repeat that because of time, but it is in our September letter, and I have also included it today in this testimony.

Let me remind you that we have been here before. During the 1960s and early 1970s, when there was more money funded—and we are not saying that money makes a difference instead of achievement; that is not what we are asking for, money instead of achievement. During the 1960s and early 1970s, poor, minority communities from the Delta in Mississippi to the rural mountains of Vermont and New Hampshire to the Appalachian communities in West Virginia to the urban epicenters of Chicago, New York City, L.A., Houston and Birmingham, citizens were engaged in making their communities, once divided and isolated, whole through various community actions and model city and many wonderful school programs. And it was certainly the distinguished gentleman from California at that time who became Chair in 1984, Congressman Gus Hawkins from California, who understood this. And we saw great, great stuff happening.

Then, just as it was beginning to work, some promise and progress was halted by voices that said, "Those Great Society programs have to go. Too much money. It is a waste and a failure." A campaign was forged to carry out an agenda that really, in fact, blamed the victims, namely poor disenfranchised families and communities.

This is not a discussion about whether Title I was a failure or a success. We can handle that in another discussion. But what we do know is that, for the school year of 2007-2008, total appropriations for Title I granted for school districts was $12.8 billion, an increase of less than 1 percent, $124 million, over the previous-year funding.

Does money, then, matter for the poor? You bet it does. You can't fully fund it in this cycle? Well, then let us tell you what we think you ought to do.

Chairman MILLER. You are going to have to do that quickly, Dr. Gray.

Ms. GRAY. Okay.

Target the money to the poorest schools, the poorest districts and the poorest children.

Let me just say to you that we have a proposal for funding a dual language program in Title I schools, and we have that proposal, and we think we have two sponsors. So we will talk to you later.

[The statement of Ms. Gray follows:]

Prepared Statement of Dr. La Ruth H. Gray, Deputy Director, Metropolitan Center for Urban Education

Dear Honorable Committee Members, on behalf of our President Dr. Emma Epps, Superintendent of Schools in Ecorse, Michigan and our 140 affiliates, we appreciate this opportunity to make further comments beyond our September 5th letter which include specific recommendations. Our organization of 4,000 is comprised of a membership range of actors in the field education. Its structure is that of Commissions and Affiliates representing teachers, school board members, retired educators, Superintendents of Schools, Central office staffs, Administrators, Principals, Higher Education Faculty and Researchers. This provides rich opportunities for coordinated conversations and actions that speak directly to the needs of children of African descent. Before we continue with the remainder of our 5minutes. The National Association of Black School Educators (NABSE) commends you on conducting public business in the public. As the Congress moves forward on its reauthorization of the Elementary and Secondary Education Act of 1965, your precedent-setting action of providing America's citizenry with your thinking in a draft discussion document is powerful. We urge you to continue this transparency protocol throughout the process of reauthorizing the Elementary and Secondary Act of 1965. We would like to direct our commentary today to three issues:

1. Title I funding; the anchor of the bill.
2. An accountability construct that allows for multiple sources of evidence, multiple indicators, and the potential for measurement of student achievement, performance and PROGRESS along a continuum.
3. The inclusion within the new bill of a pilot program of dual language specifically targeted to the poorer Title 1 schools.

Title I Funding and the Targeting of Resources

Is the Alliance concerned about Congress' commitment (many sessions ago) to fund special education at a 40% percent level. Of Course. Is the National alliance concerned about the school infrastructure and deteriorating school buildings? Of course. Is it concerned about teacher quality and class size? Of course. Is it concerned about parents and their role in this education equation? Is it concerned about N size, ELLs, SES ? Of course. Is the NABSE concerned about vouchers, block grants, and the fact that 30 percent of the new public charter schools in America are run by FOR PROFIT organizations? Of course. Is NASBE concerned about high

school reform and about school improvement? Of course. However, the National Alliance of Black School Educators' burning and passionate concern is FULL FUNDING for Title I. Currently, Title I is only two percent (2%) of National k-12 spending.

It has been on 42 years since the Congress and the Johnson Administration moved to establish Head Start and Title I to help eliminate the large educational gaps that had long persisted among students from different socioeconomic levels in our society. The notion was bold and courageous because, at that time, no country in the world was in possession of proven strategies for quickly closing such gaps. Indeed, here in the United States, educators and policymakers did not yet have good national data on the extent to which academic achievement differed among groups. However, the data that were available suggested that children from less advantaged homes and communities and children without a rich construct of opportunity were experiencing much less academic success than they should or could. Congress and the President had the wisdom to make substantial new investments in the education of less advantaged children.

At the core of the NABSE's recommendations for the reauthorization and full funding of Title I of the Elementary and Secondary Education Act (ESEA) is the notion that parity and equity in student achievement, and excellence in educational attainment for all citizens is dependent on the equitable and adequate targeting of federal dollars based on need and on a substantial investment in other education-relevant recourses 1 that positively affect the educational experience of students. The popular press and much of the country's polity equate poor Black and Latino students only with urban communities. The reality is that a significant number of children of African descent attend schools in very poor rural communities. Of the current 300 African American Superintendents in the country, two-thirds head either poor rural or newly re-segregated school districts in suburban rings. Though we believe our recommendations will benefit every student in America, we speak specifically to the needs of poor students of African descent who reside in rural and inner-city America or in the recently re-segregated suburban

The stated purpose of the 1965 Title I Act includes the following: In recognition of the special educational needs of low-income families and the impact that concentrations of low-income families have on the ability of local education agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

In short, Title I was designed to compensate for the disadvantages in children's economic status and deficiencies in learning associated with home, school, or community experience. Ladies and gentlemen, these disadvantages still exist today—40 years later. We included in our commentary on September 5th a recommendation for a very specific formula change. We will not repeat it here but are including it in the written text.

We ask the Honorable Congressmen to explore and address funding in that section of Title I that addresses targeted grants and the finance incentive grants. Currently, these grants are determined by concentration of poverty. This, of course, is the right focus. However, we are as concerned as our colleagues in AASA about the ways in which concentration of poverty is defined. Currently, concentration of poverty is based on the number of poor students in a district or the percentage of poverty, whichever is higher. Thus, districts with lower levels of poverty often receive more Title I funding per student than smaller districts with much higher percentages of poverty. (There are 300plus Black superintendents in this country. Of those 87% are leading poor districts of less than 50,000. The best example of small districts affected in this manner can be found in the Mississippi Delta.)

We strongly believe that the weighting based on the number of poor students should be eliminated from this definition. Instead, we believe that a school district's allocation should be based on their percentage of poverty. That way, all districts at the same percentage of poverty will receive the same amount per student.

We've been here before. During the sixties and early seventies, poor and minority communities (from the Delta in Mississippi, to the rural mountains of Vermont and New Hampshire, to the Appalachian communities in West Virginia, to the Urban Epic Centers of Chicago, New York City, Los Angeles, Houston and Birmingham) citizens were engaged in making their communities once divided and isolated whole, through various community actions and model city and school programs visible progress was being made and the horrible vestiges of segregation, isolation, and poverty were being chipped away.

Just as that began to work and was beginning to show some promise, progress was halted by voices that said that the "great society programs" were a waste and failure. A campaign was forged to carry out an agenda that really in fact blamed the victims, namely poor, disenfranchised families and communities.

Thus the discussion is not about whether Title I is a success or failure. That is another argument, another story and another construct where NABSE can respond quite compellingly that Title I has been a strong force in impacting the lives of the less advantaged socially, emotionally and academically. As Jack Jennings so eloquently stated in past articles in both The Kappan and Education Week, that while eliminating the achievement gap is a worthy goal—and we agree that it is—that this is not the stated purpose of Title I, nor the standard for marking its success. On another note, much has been made of the notion that "we've spent billions over 40 years."

For the school year 07-08 total appropriation for Title I-A granted for school districts was 12.8 billion an increase of less than 1 percent or 124 million over the previous years funding. Does money then matter for the poor? Does parity cost? You bet.

We believe that at a time when a significant number of citizens have enjoyed economic opportunity advantages, and at a time when the data demonstrate that a large number of our school children and their families remain far below the poverty line, that this is the time to address the recent findings which show that 20 percent of the schools with poverty levels of 50 to 74 percent have little or no Title I funds! This is the time to fully fund Title I.

Can't fully fund it in this cycle? Then we are requesting that all Title I funds be concentrated and targeted to the poorest children in the poorest schools in the poorest districts rather than diluting the funding as is the current practice with almost every district in the nation receiving some amount of Title I allocation.

A Comprehensive Model of Accountability (Multiple indicators and Multiple measures)

We are a member organization of the forum on Educational Accountability (FEA). We concur with premise put fourth by FEA on multiple indicators and multiple assessments. We believe that providing flexibility to state and local education agencies in developing assessments that can be validated and reliable as part of their state plan is simply the right thing to do. After all, the Constitution ultimately holds states responsible for the education of their citizens.

We will not repeat our recommendations here, which are available on *www.edaccountabilty.org*. However, it is important to adequately fund the states ability to determine how well their students are doing. It is as important to help states find out how "smart" are their students, as it is for Congress to continue funding smart bombs.

Multiple indicators of school performance in a strong accountability construct allow districts and states to move beyond equalizing test scores and to examine other indicators so that EDUCATIONAL EQUITY is approached. In a 21st Century, World Class, Educational System it is appropriate to examine structures and processes from other strong researched—based fields, for example:

a) Multiple measures is the hallmark of good social-science research. Earl Babbie, in his book, The Practice of Social Research, notes, "* * * there is no single indicator that will give you the measure of the variable you really want" (p. 141). In this sense, no single indicator can adequately measure a student's academic performance or ability, but rather a multitude of indicators and measures should be employed too assure equity and excellence.

b) Our nation's economic and employment system (Dow Jones, GNP) uses multiple measures to forecast, project and determine growth. Why is this not good enough for our Nation's Public Schools?

Most of America's College Admissions (Public and Private) are based on multiple measures. Why is this not good enough for our children, particularly the least advantaged?

Multiple forms of assessment and multiple indicators together will provide more opportunities and meaningful success, as well as help ensure that all children receive a comprehensive schooling aimed at educating the whole child.

The current adequate rate of progress requirements expect that those who start the race behind and who often have fewer resources (in effect, racers with weights attached) will reach the same level as those with great advantages. A system that expects reasonable, strong progress for all is what we need.

Pilot Dual Language Program

It is in the national interest to grow a cadre of citizens who are able to speak more than one language and who are versed in other cultures. That phenomenon is best served through language. We are requesting that there be a section included in the bill to fund at the elementary level a demonstration dual language program for a select number of the poorest Title I schools in each of the ten USDOE regions. It is imperative that poor students of African descent not be "left behind" in the move toward foreign language acquisition there is much research about the benefits of learning a second language. Some of that research indicates that learning a second language promotes cognitive flexibility and enhances academic achievement. Finally, dual language programs breaks down so many barriers because they allow students to embrace the world.

We recognize that the discussion draft only sends the train out of the yard and onto the tracks. We would like to see the train pull out of the station during this Congressional session.

We would be pleased to work with the committee and its staff at every stop along the way.

Sincerely,

DR. EMMA EPPS,
President.

DR. LA RUTH H. GRAY,
Government Relations and Legislative Liaison to Board.

APPENDIX 1

Miller, L. Scott, An American Imperative: Accelerating Minority Educational Advancement. Yale University Press. 1995 The National Alliance of Black School Educators adhere to the theoretical framework on education-relevance resources as explained by L. Scott Miller:

Education-relevant resources encompass the idea that the amount of educational resource varies from school to school across the country, and the amount of resources available from students' families varies even more. So, even a school with excellent resources may not be able to fully help some students. Education-relevant resources include:

- Human capital(the acquired knowledge, skills, and experience that a person has accumulated in his/her lifetime that can be a benefit to others through education);
- Social capital (the relationship and personal bonds that people share in addition to the networks, groups and communities that grow out of these relationships);
- Health capital (amount of access that a student has to quality health treatment, and the health conditions in which the student lives);
- Financial capital (the income and savings of the family of the student); and
- Political capital (how much society is committed to educating the students)

APPENDIX 2.—REFERENCES

Grissner, D.W., Does Money Matter for Minority and Disadvantaged Students: Assessing the Empirical Evidence. National Center for Research, Development in School Finance, Office of Educational Research and Improvement. (1997)

Jennings, John F., Title I: Its Legislative History and Its Promise. Phi Delta Kappan (2000)

Miller, L. Scott, An American Imperative: Accelerating Minority Educational Advancement. Yale University Press. 1995

Chairman MILLER. Thank you. I don't want you to think that those extra minutes you were granted were just because it is your birthday. You know, I am just generally a nice guy.

Ms. GRAY. It is my birthday.

Chairman MILLER. Yes, right. There you go. We are very thorough.

Mr. Resnick?

STATEMENT OF MICHAEL RESNICK, ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL SCHOOL BOARDS ASSOCIATION

Mr. RESNICK. Thank you, Mr. Miller. I guess I am in the honorable position of being the cleanup batter for today. We appreciate

the opportunity to testify on the Title I discussion draft to reauthorize the No Child Left Behind Act.

My name is Michael Resnick. I am the associate executive director of the National School Boards Association. Our association represents 95,000 local school board members.

First, I want to express our appreciation to the committee's leadership in pressing forward this year with the reauthorization and the openness with which you are proceeding. Our local school boards have had extensive experience in implementing No Child Left Behind over the last 5 years and are united in agreeing that the law needs significant changes, changes that cannot wait for another 2 or 3 years.

If I leave the committee with just one overall impression today, I hope it is this: In moving forward with the reauthorizations this year, we urge you to heed the lessons learned during the implementation of the current law. This comprehensive draft, even with the best intentions, will produce unintended consequences. This is a complicated proposal with a myriad of changes and interaction of provisions both within Title I and with the other titles that are just now evolving. We urge your continued openness to adjusting the bill through final enactment, allowing for adequate local reaction and involvement.

I want to focus on a few key issues from the 50 separate comments for improvement we submitted last week and attached to this testimony.

We are pleased that your draft reflects a paradigm shift away from the rigid punitive aspects and one-size-fits-all approach we now have and recognizes the need for greater flexibility and increased options for States and districts in the law's implementation.

In general, with some refinements, we are pleased with the key concepts in the draft, such as growth models and indexing systems, multiple measures of academic achievement, the local assessment pilot program, and reforms regarding accountability measures for students with disabilities and English language learners.

We strongly support the proposed changes to more strategically target the identification of schools for improvement, such as tying identification to when the same group of students missed their academic targets in the same subject for 2 consecutive years. This new direction also appears to emphasize a desire to provide constructive assistance, including the Graduation Promise Fund Program.

However, we do have ample concerns. In some ways, the draft suggests an exchange to focus assistance and sanctions on the high-priority schools for an expansion on management and process duties on many others. In so doing, the draft adds many new requirements, including significant process data collection and reporting requirements for schools and school districts. No one, least of all our students, would be well-served if their schools are overwhelmed by increased data and implementation requirements, especially with the numerous other changes this bill would bring.

For example, States adopt growth models, develop detailed data systems, design new standards in assessments and enact new interventions. Local districts will need to make adjustments to their curriculum, structural materials, professional development

programs and more. We are concerned that the sum total of these processes and substantive requirements, some occurring simultaneously, will substantially complicate general understanding of the revised law and its actual implementation.

We urge you to prioritize the specific details that are absolutely necessary to help raise student achievement and discount those that may be a theoretical ideal but, in practice, will only complicate the work of schools.

A few examples might help, at the expense of getting into a little detail. On LEA improvement plans, we urge you to reconsider this exhaustive and highly structured list of requirements. We are especially concerned that rural and smaller districts, and urban districts for different reasons, lack the resources and manpower to undertake all that would be required than, say, negotiating those requirements between the SEA and LEA to meet local conditions.

On students with disabilities, the draft allows local school districts to apply to exceed the 2 percent cap but requires schools to provide past evidence regarding teacher qualifications and research-based instruction. How far back in those students' education must that evidence be provided? How will schools adequately assemble it for students moving in from other districts or other States? How much review of all of that student documentation will actually occur at the State and Federal level? Why not defer to the IEP evaluation team consistent with IDEA?

On English language learners for determining AYP, the bill should recognize research findings that ELL students frequently take 4 to 7 years to become proficient in academic English, the language skills needed in the classroom. On using other indicators for AYP, while the goal is good, the draft requires substantial data collection, it is fairly limited in its weighting, is restrictive in the conditions for its use, and quite complex and variable from year to year in setting benchmarks to be as beneficial as it could be in scoring AYP or as a planning tool for the use of these indicators.

On providing teacher quality through school equalization, the effort should focus on incentives, not mandates on teacher assignment, especially given the realities of negotiated contract agreements in many States.

Finally, funding matters. Accountability is a two-way street, and the Federal Government must do its part. We urge the addition of funding triggers in the event that adequate funding does not occur.

This authorization will shape the costs of America's public schools for another 5 or 6 years. We must get it right. We look forward to continuing to work with the committee as this process advances.

Thank you, again, for the opportunity to testify.

[The statement of Mr. Resnick follows:]

Prepared Statement of Michael A. Resnick, Associate Executive Director, National School Boards Association

Chairman Miller, Ranking Member McKeon, Chairman Kildee, Ranking Member Castle, Members of the Committee. Thank you for the opportunity today to share our thoughts on the pending reauthorization of the Elementary and Secondary Education Act, or No Child Left Behind, and specifically on the Title I discussion draft.

My name is Michael Resnick, Associate Executive Director at the National School Boards Association, and I speak on behalf of the 95,000 local school board members across the country who serve the nation's 49 million students in our public schools.

I first want to express our appreciation for your leadership in pressing forward, this year with the reauthorization, and for the transparent manner in which you have done so, seeking input from those responsible for governing our local schools. I also want to recognize the long, hard hours your staffs already have devoted to the reauthorization.

Local school boards have had extensive experience in implementing NCLB over the past 5 years. Based on that "real world" experience, school boards are united in agreeing that the law needs significant changes. And they are united in agreeing that the status quo cannot continue for another 2 or 3 years.

If I leave you with just one overall impression today I hope it is this: we wish for the committee to continue moving forward with the reauthorization this year, but urge you to heed the lessons learned during implementation of the current law. Any comprehensive law, even the best legislation created with the best intentions, is bound to result in unintended consequences. And we all know the current NCLB has suffered that fate.

So we suggest that as you consider specific approaches that may sound right on paper, that you take pains to determine whether they can actually work where it counts: in our schools. And whether they will result in our shared goal of improving the achievement of all students. That should be the bright-line test for what should and should not be included in the law.

This will be a complicated process with time needed for local school personnel to carefully reflect and comment on the myriad changes it would bring. We urge your continued openness to making necessary adjustments to the bill throughout the entire process, including looking far ahead, in conference committee.

Today I will focus only on a few key issues based on our initial reaction to the discussion draft, and ask that you review our more detailed comments as submitted to the committee last week and attached to this testimony.

Overall, school boards are pleased that your draft reflects a paradigm shift away from the rigid punitive aspects and "one-size-fits-all" approach we now have, and moves toward recognizing the need for greater flexibility and increased options for states and districts in improving student achievement. This new direction also appears to emphasize a desire to provide constructive assistance.

In general we are pleased with key concepts in the draft such as growth models and indexing systems, multiple measures of academic achievement, and reforms regarding progress measures for students with disabilities and English Language Learners. We strongly support the proposed change to tighten the identification of schools for improvement to those in which the same group of students miss their academic targets in the same subject for two consecutive years. This was one of NSBA's key recommendations made to Congress and it will help ensure that limited federal resources are strategically targeted to the students and schools most in need.

In our initial review, we believe there is much here that improves upon current law, but we do have ample concerns, and I refer you to our extensive comments for details. In some ways the draft suggests an exchange. While assistance or sanctions would be more focused, there would be an expansion on management and process duties. Right now, our overarching concern is the addition of many new layers of requirements, including significant process, data collection and reporting requirements for schools and districts.

Please keep in mind that in the past decade schools and districts have reduced administrative staff in order to reallocate resources to the classroom. The proposed changes would expand upon and add new managerial duties to a wide range of the nation's schools. We have serious reservations that the sum total of these requirements, occurring simultaneously, will substantially complicate general understanding of the revised law and its actual implementation.

No one, least of all our students, will be well served if their schools are overwhelmed by increased data and reporting requirements, along with the numerous changes this bill would bring. For example, as states adopt growth models, develop detailed data systems, design new standards and assessments, and enact new interventions, local districts must make significant adjustments to their curriculum, instructional materials, professional development programs, and more.

When taken collectively, we question whether schools, districts, states and the Department of Education, have the capacity to carry out all that would be asked. We urge you to prioritize specific details that are absolutely necessary to help raise student achievement, and discard those that may meet a theoretical ideal but in practice will only complicate the work of schools. Or, better yet, defer to the judgment of the states and districts on this matter.

A few other concerns to briefly note:

• 1) On LEA Improvement Plans: We urge you to reconsider this exhaustive list of requirements. We are especially concerned that rural and smaller districts lack

the resources and manpower to undertake all that would be required. One approach would be to develop the list as options for LEA's to consider in developing their plans and permit the specifics to be negotiated between the SEA and LEA.

• 2) On Testing of Students with Disabilities: The draft allows local districts to apply to exceed the 2 percent cap on allowances but requires schools to provide past evidence of teacher qualifications or research-based instruction. How far back in the child's education must that evidence be provided and how will schools adequately assemble it for students moving in from other districts or states? How much review of such documentation will actually occur at the state and federal levels? We believe the better approach is to defer to the IEP team evaluation, consistent with IDEA.

• 3) On Teacher Quality. We support efforts to ensure that all students have access to qualified and effective teachers and believe the federal role should be to assist this process via incentives, not the broad requirements in the draft. We question how districts will equalize school-by-school teacher salaries given the realities of negotiated contract agreements in many states. Additionally, the draft ignores other factors beyond salaries that warrant consideration. Take for example a district that lowers the teacher-student ratio at a high-poverty school staffed with qualified teachers who have slightly less experience than teachers in another school with larger class sizes. Based on salary schedules the latter school would have a higher average expenditure for salaries, yet the lower teacher-student ratio at the other school may be more significant academically.

• 4) On Labeling of Schools: Given that the draft bill defines criteria for designating which schools make or miss AYP, there is no need for the federal government to stipulate the specific label. We suggest providing states the option of using the bill's labels or determining their own labels, since other terms may be more consistent with their own accountability systems.

Finally, we would be remiss if we did not mention funding. Resources matter. Accountability is a 2-way street, and the federal government must do its part to ensure ample funding is provided to schools in order to meet the requirements and challenges the law creates. We recognize this is an authorizing committee, but urge you to strongly advocate for a sustained substantial investment in our schools, and to include provisions in the bill that offer relief for schools in the event adequate funding does not materialize. Our specific recommendation, included in H.R. 648, calls for a deferral of the most punitive sanctions in any year where Title I appropriations do not increase by $2.5 billion until the program is fully funded.

This reauthorization will shape the course of America's public schools for another 5 or 6 years. We must get it right. We look forward to continuing to work with the committee as this process advances. Thank you again for hearing our initial comments.

Chairman MILLER. Thank you very much. It has been a wonderful day to hear all of this overwhelming and extensive support for the discussion draft. I can't tell you what it has meant. We now have received support on one or more points from every point on the compass along with the opposition.

But I want to thank you very much for your taking the time and for not only—again, I want to say this: So many people who participated and testified today have been involved with this committee in helping us put together recommendations and suggestions and improving our knowledge of exactly how this all works on the ground and what we have learned and not learned over the last 5 years. And, clearly, all of you have been deeply involved in that process.

That is not to say we accepted every recommendation or that we got every recommendation exactly as you wanted it or that we even have it in the right form. That is why Mr. McKeon and I decided we would sort of break with precedent here and put a discussion draft out for very broad and wide circulation so that we could receive the kind of testimony we received today and receive the testimony that we received from so many people across the country via the Internet where they have read it as teachers or administrators or school board members or what have you. As I pointed out in the

beginning, some 60,000 downloads of this information has taken place since we first put it up on the Internet, which is important.

And your involvement, all of the organizations which you represent, have been deeply involved and very important to this, as have the other panels. It has been a long day, but I think it has been most helpful. At least I view it that way.

I referred earlier to all of my take-aways. I have been ripping and tearing and underlining your testimony here. I am sure the staff is delighted to hear this. But I think it is important that we continue to raise the question so that we can do this in the best fashion possible.

I appreciate that most people consider it a matter of urgency that we get this reauthorization done this year. And we want to attempt to—obviously, we want to hold to our goal of getting that done.

I would also say that a number of people—and this wasn't specifically, because we all know that it is a more difficult issue—but dealing with—and, Dr. Gray, you raised the question of funding. In the case of schools that need improvement, tragically this is the first year that any money was provided for schools in need of improvement. Those schools, some of them, were in need of improvement before this law was passed, because it was from the prior legislation that existed.

But we are trying to suggest to the education community that we are serious about changing the direction of the funding in this country for this. We are not going to make up $55 billion in 1 year when we inherited the sea of red ink that we have today.

We are trying to do this on a pay-as-you-go. We are trying to make this a priority within pay-as-you-go. We did that in the higher education reconciliation bill that not only cut the cost of college, but also provided $3 billion for teachers and teacher improvement, career development and all of the rest of it to put that money in place.

That is a struggle that we continue with. The Appropriations Committee, I think, given what they had to work with, has done a significant job in changing the directions. And we continue to counsel with them on how we can have that happen.

We clearly, at the end of the day, need the partnership of the President to support this increased funding. And it would make everybody's job somewhat easier and would certainly be important to those schools that are struggling and those districts that are struggling to bring about the reform and the change and the improvement in their various districts.

Let me thank you again and thank the members for participating. And thank you for sticking with us on this effort to provide the best opportunity that we can to make the improvements that are necessary in this act and, at the same time, hold on to the integrity of the act, which I think is terribly important.

Mrs. BIGGERT. Mr. Chairman, would you just yield for 1 minute?

Chairman MILLER. Sure.

Mrs. BIGGERT. I just wanted to thank you for holding this hearing. I think it was a great idea to have so many ideas coming at us all at once, but, really, to kind of bring it all together so that we can get it organized and hearing from so many.

But I would hope that we would have ample time to actually, as a committee, discuss these issues. Because I think, after everything that we have heard and all the roundtables that we have had in our districts and everything, before we finally—I know you wanted to do it this year, but we would have ample time to discuss it.

And I thank you for holding this.

Chairman MILLER. We are going to treat those two things as being consistent for the moment: ample time and getting it done this year. We are going to try.

But thank you again very much for all your expertise and your time.

[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 hearing on the Miller-McKeon discussion draft of the Elementary and Secondary Education Act (ESEA) reauthorization.

I believe that the proposed changes outlined in the discussion draft represent significant improvements to ESEA. However, I also feel that more improvements should be made as we move from a draft to a final product. I look forward to hearing from today's panelists, who represent a diverse set of education stakeholders, on what aspects of the discussion draft should be maintained and on what can be improved.

In particular, I am interested to hear comments on the discussion draft's proposal to allow multiple indicators to be used in measuring adequate yearly progress. I know that some feel that the discussion draft is too limiting in the types of indicators that it allows for, while others believe that including any additional indicators will lead to reduced accountability. Strong arguments can be made on both sides of the issue and I am glad that this hearing will allow for a full discussion of this and many other important issues.

Thank you again, Mr. Chairman, for holding this hearing and for the open nature with which you have conducted this reauthorization. I yield back the balance of my time.

[Additional statements submitted by Mr. Miller follow:]

Prepared Statement of Eliza Byard, Ph.D., Interim Executive Director, Gay, Lesbian, and Straight Education Network

Chairman Miller, Ranking Member McKeon and members of the Committee, thank you for this opportunity to submit testimony regarding the importance of preventing bullying and harassment in the nation's schools in order to ensure school safety and create school environments where all students can achieve high standards. I am happy to inform this Committee that over 30 national education, health care, civil rights, law enforcement, youth development, and other organizations—all members of the National Safe Schools Partnership (NSSP)—have called on Congress to address this important challenge with specific recommendations.

I am pleased to offer these comments on behalf of the Gay, Lesbian and Straight Education Network (GLSEN) as a member of the National Safe Schools Partnership. We believe that all students are entitled to an education free from bullying and harassment and want to thank you for recognizing and beginning to address the widespread problem through reauthorization of the Elementary and Secondary Education Act (ESEA). Before I start, I also want to acknowledge the tremendous leadership of Representative Linda Sánchez, who has been a true champion for school safety and the prevention of bullying and harassment.

Meeting the ambitious proficiency goals set forth by the No Child Left Behind Act, and ensuring the academic success of all students, will only be possible when every child feels safe in the classroom. Evidence demonstrates that bullying and harassment significantly impact academic performance, school attendance, dropout rates and a student's likelihood of obtaining a post-secondary education. In fact, our research shows that nearly one in 11 students missed a class or a day of school, within the past month, because they felt unsafe. Additionally, the U.S. Department of Education has concluded that bullying and harassment "affects nearly one in every three American schoolchildren in grades six through ten." And we know that bul-

lying and harassment can lead to even greater school safety problems. Many high profile cases of school violence—as well as incidents that are less noted—have been attributed to students who were bullied and harassed in school. This research, and other findings I will describe later in my testimony, were published by members of the National Safe Schools Partnership in June in a policy paper titled, "Bridging the Gap in Federal Law: Promoting Safe Schools and Improved Student Achievement By Preventing Bullying and Harassment in Our Schools." (A copy of the document is attached for your review and inclusion in the Record.)

Given this evidence, we strongly support your decision to use the reauthorization process as an opportunity to strengthen state and local efforts to prevent bullying and harassment through the Safe and Drug Free Schools and Communities Act (SDFSCA). Leveraging the existing SDFSCA structure, as well as the fact that all public schools already have student conduct codes, provides an opportunity for Congress to act in a way that will have demonstrable high impact toward our shared educational aims, while doing so in a way that will have a minimal burden at the state and local level. Indeed, although a limited number of federal laws address certain particular kinds of harassment, they do not prohibit all kinds of harassment in schools, and no federal law specifically prohibits bullying in schools. Therefore, your work will fill a troubling gap in federal education policy—to ensure that all students, regardless of their background, are provided a safe environment in which to learn.

Regarding specific provisions, we agree with your proposal to require states to include a bullying and harassment analysis in mandatory school safety needs assessments. We also share your desire to require better public reporting of bullying and harassment incidents and enhanced coordination among relevant state agencies. In addition to these requirements, the new law should require state needs assessments to include students' perceptions regarding their school environment, including with respect to the prevalence and seriousness of incidents of bullying and harassment and the responsiveness of the school to those incidents.

We agree with you that school districts should establish bullying and harassment prevention programs, and appreciate your decision to provide support for the related professional development needed to make these programs work effectively. We also support your decision to require annual communications to parents, including describing an LEA's processes and procedures for addressing bullying and harassment grievances. This language could be strengthened by requiring such parent and student communications to include the name of the district staff person designated to receive and handle bullying and harassment complaints and by setting a timeline for resolving them. Authorizing funding for educating students about the consequences of bullying and harassment is also vitally important to fostering a safe learning environment, and we strongly support your decision directing governors to prioritize Safe and Drug Free Schools funding applications that include bullying and harassment prevention plans. While these changes are positive, districts should also be required to establish performance indicators designed to ensure prevention programs and activities are working.

Our primary concern—and one shared by so many of the organizations that comprise the National Safe Schools Partnership—is that the discussion draft does not define "bullying" and "harassment." This is a critical omission. A study commissioned by GLSEN and conducted by Harris Interactive concluded that students who attend schools with anti-harassment policies that enumerate categories of students for protection report that they feel safer (54% vs. 36%) and are less likely to skip a class because they feel uncomfortable or unsafe (5% vs. 16%), compared to students at schools with non-enumerated policies.

Correspondingly, specific enumerated policies against bullying and harassment also make it more likely and easier for educators to intervene when they witness bullying and harassment. More than half of all teachers (53%) reported that bullying and harassment of students is a serious problem in their school. Students noted that teachers were more likely to intervene (25.3% vs. 12.3%) when bullying occurred, and were more likely to do so successfully (55.7% vs. 38.7%), if school policies included enumerated categories (compared to non-enumerated policies).

Thus, while the discussion draft's expansion of the definition of violence to include bullying and harassment is crucial, it must be coupled with a clear explanation that all students, regardless of their background (including, among other grounds, sexual orientation or gender identity/expression) must be protected from bullying and harassment.

This comprehensive approach to bullying and harassment—including needs assessments, reporting & communications requirements, prevention programs & professional development, and the definitions recommended above—would substantially reduce violence in our schools and ensure that schools become safer places to learn.

A copy of our specific recommendations for how to define bullying and harassment, as well as our other recommendations for strengthening the discussion draft, is included below for your review and consideration.

In closing, I also want to note the importance of authorizing consistent funding for the SDFSCA above current appropriations levels. State and local education authorities need sufficient funding to make these vital programs work effectively on behalf of children.

Thank you again for addressing this important problem. We look forward to working with you throughout the reauthorization process and would be pleased to provide any additional information you and your staff may require.

Response to House Education & Labor Committee ESEA, Title IV Discussion Draft

§ 4151

No Relevant Section. Definitions—Students who attend schools with anti-harassment policies that enumerate categories of students for protection report that they feel safer (54% vs. 36%) and are less likely to skip a class because they feel uncomfortable or unsafe (5% vs. 16%). Research shows that specific enumerated policies against bullying and harassment also make it more likely and easier for educators to intervene when they witness bullying and harassment. Therefore, we urge the Committee to include the following definitions of bullying and harassment:

"Bullying—The term 'bullying' means conduct, including conduct that is based on any of the following: a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, religion, or any other distinguishing characteristics that may be defined by a State or local educational agency; that——

(A) affects one or more students; and

(B) adversely affects the ability of a student to participate in or benefit from the school's educational programs or activities by placing a student in reasonable fear of physical harm."

"Harassment—The term 'harassment' means conduct, including conduct that is based on any of the following: a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, religion, or any other distinguishing characteristics that may be defined by a State or local education agency; that——

(A) affects one or more students; and

(B) adversely affects the ability of a student to participate in or benefit from the school's educational programs or activities because the conduct as reasonably perceived by the student is so severe, persistent, or persuasive."

Effect on Other Laws—If the above definitions are adopted, the ESEA must clearly state that the requirements of the SDFSCA do not affect other federal and state non-discrimination laws. Thus, a new provision should be added that reads as follows:

"Federal and State Non Discrimination Laws—Nothing in this part shall be construed to invalidate or limit rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this part are in addition to those imposed by title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) title VI of the Civil Rights Act of 1964 (42 U.S.C 2000d et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)."

§ 4113

Student Perceptions—The new law should require states' mandatory needs assessments to include students' perceptions regarding their school environment, including with respect to the prevalence and seriousness of incidents of bullying and harassment and the responsiveness of the school to those incidents.

State Support—The new law should also require SEAs to provide an assurance in their applications for Safe and Drug Free Schools Funding that they will assist districts and schools in their effort to prevent and appropriately respond to incidents of bullying and harassment a

§ 4114

Performance Indicators—Districts should be required to establish performance indicators designed to ensure bullying and harassment prevention programs and activities are working.

Parent/Student Communications—Districts should be required to provide parents and students with the name of the school district staff person responsible for receiving bullying and harassment complaints.

Resolution Timeline—Districts should be required to establish and publish a timeline for resolving bullying and harassment grievances.

Prepared Statement of Rudolph F. Crew, Ed.D., Superintendent, Miami-Dade County, Florida Public Schools

Mr. Chairman, Ranking Member McKeon and members of the Committee, thank you for the opportunity to provide written testimony about the role that the federal government can play in ensuring all children experience an education that prepares them fully as learners, as citizens and as competitors in a global economy. I am Rudy Crew, and I am superintendent of the Miami-Dade County Public Schools in Florida, the nation's fourth largest school system.

By the very nature of our district's diversity and size, Miami-Dade County Public Schools faces the successes and challenges of most districts across the nation. With over 350,000 students in 325 school buildings spread across over 2,000 square miles, our team of educators, students, and parents are dedicated to doing what needs to be done to achieve high levels of performance. This work is done on a daily basis in all of our classrooms, but we all know that success in the classroom is intricately linked to the real world. For this reason, I think it is incredibly important that I share with you the "tale of two cities" that plays out in our community.

Upon arriving in Miami in July 2004, I found schools that were falling short of meeting their mission of preparing and molding students with the skills and experiences that would prepare them for life * * * real life. These underperforming schools were found throughout our district, but most of them were clustered together at the heart of our poorest neighborhoods. I immediately set three priorities for our work to address those stark disparities. Over the past three years we have worked harder than ever to eliminate low-performing schools, to raise achievement for all students, and to improve the efficiency of business and construction practices. Significant progress has been made on all three fronts. In fact, Miami-Dade is a finalist for the prestigious Broad Prize in Urban Education for a second consecutive year.

This type of recognition does not come along without clear and quantifiable results. In the core academic subjects that have been the focus of the federal government's recent attention—reading, mathematics and science—student achievement is at its highest level ever in Miami-Dade. For two years in a row, more than half of our students are proficient readers based on Florida's standards. Despite having a student body that is far more diverse economically and ethnically than the nation as a whole, our median reading score on the national comparison portion of Florida's tests tops the national median. The results in math are even higher than in reading. Notably, our biggest gains have come at critical transition points in students' academic lives—in 3rd grade, when reading must be mastered, and in middle school, when the path to postsecondary success begins to be set.

We have not, however, let our aspirations be guided simply by Florida's standard of proficiency. We have dramatically expanded our identification of and service to gifted students, resulting in a 26 percent increase in students served last year. We have moved aggressively to increase access to Advanced Placement (AP) and International Baccalaureate courses, particularly in schools that have the highest concentrations of struggling students. Some schools are approaching 50 percent AP enrollment as a result of our efforts. We have also taken the lead in implementing a secondary school reform initiative to transform our high schools that includes the opportunity for a workplace internship or dual enrollment in higher education for every student, so that our graduates will have first-hand experience with the demands of the real world.

Even with this level of progress, we know that there is much more to be accomplished. We need to ensure that all low performing students become proficient. We need to ensure that many more of our students graduate high school. We need to ensure that those who graduate are prepared for the challenges they will face as adults. Thus far, nearly three-quarters of our graduates who enroll in our county's community college system are assigned to at least one remedial course before beginning their credit-bearing studies and more than a quarter take three or more remedial courses. Our school system is not unique in this regard; nationally, half of high school graduates take remedial college courses. Keep in mind these are graduates who have met state requirements and, in Florida and many other places, passed a state test. We have taken on the charge of educating all of our students with the

crystal clear goal of not leaving one single child behind, but there are limits to what even a large school district such as Miami-Dade County Public Schools can do alone to carry this torch to the finish-line. I believe there is a clear federal role to be played in completing this journey that we have been able to launch so well locally.

Moreover, this is at a time where I see our nation at a disturbing crossroads as many question whether in fact the United States can solve the problems in its education system to provide an excellent education to every student. Many wonder how we can build, refine, and enhance while simultaneously putting out many academic fires. My answer to the question of these perceived unsolvable problems is simple—let's solve them. My intention is not to be flip, or to underplay the complexity of the challenges. Rather, I see a well-defined set of actions that can be taken by all of us—educators, parents, business and political leaders—at all levels including the federal one to continue improving our schools and making our students globally competitive.

Specifically, I believe the federal government must act in three ways:

1. We Need the Federal Government to Define and Measure What Matters Most

First and foremost, the federal government should establish common national standards in reading, math and science that are comparable in rigor to what the highest performing nations in the world expect of their students. Then aligned assessment tools should be created to measure these standards. Common national standards and assessments will eliminate the intellectual and political clutter around expectations, and will force a new focus on the more technical obstacles impeding equity in education.

Having individual states determine what it takes to be proficient in the real world is risky, costly, and in the end pointless. For example, it makes no difference to know that New Jersey has more proficient students in math than Nevada if they both use different standards. It makes even less sense if we have students that are identified as proficient, but cannot keep up with math students in Singapore. The University of Miami does not put helmets and shoulder pads on its intramural flag football champion and send that team to the Sugar Bowl to play the University of Southern California; intra-national results are insignificant compared to international results. This is apparent every day in a community like Miami-Dade, which serves as a gateway to another continent and in which business is transacted globally.

The expansion of the role of the National Assessment of Educational Progress (NAEP) under the No Child Left Behind Act was intended to bring some order and common sense to the determination of proficiency. In 2005, Florida said 44 percent of its 8th graders were proficient readers, while only 27 percent scored that well on NAEP. If we held states' accountable to defining and measuring proficiency in meaningful ways to the same level of accountability schools face in making Adequate Yearly Progress (AYP), states' would be facing the "closing down" of state assessments altogether just as school districts face school closures when Adequate Yearly Progress is not met.

In my view, NAEP's expectations are a natural and worthy starting point for national standards. I see them as rigorous enough to be internationally credible. Both as chancellor of the New York City schools and in Miami, I have used them as benchmarks above and beyond state tests.

Settling on common national standards will bring greater transparency to educational accountability, and help to eliminate conflicts that have emerged between state and federal accountability systems. The number of F schools in Florida and in our system spiked this year because the state added its science test to the grading criteria and stiffened requirements in math. It is undeniably good to have high expectations and to measure proficiency in science, but those shifts amount to changing the rules of the game in the third quarter. In Miami-Dade, the increase in F schools came despite better results in reading and math generally. It is difficult to explain to an already skeptical and, in some cases, demoralized public that things are better when they appear to be worse. The same schism exists when Florida gives one of our schools an A or B grade, but the school fails to meet the federal AYP standard.

Some will see it as heresy for a local superintendent to advocate for national standards, arguing for the nation's historic bias toward local control of schools. Our national defense once was under the purview of state and local militias. At that time, we realized that national security was best served by federally organized armed forces and, that we could not win wars leaving it solely to states whether to buy more bombers or more fighter jets. The same is true of education today. To be clear, I do not want a federally run system of schools or for Congress to become the national school board; execution should remain a local matter. We must be completely purposeful in where we allow for choice and variability in and among

schools, and that should not include the fundamentals of what students must learn and how we know they have learned it. Bringing those debates to an end, creating an unavoidable structure to the answers to those questions actually will free communities to be innovative and to bear down on the needs exposed by high expectations. Local control cannot be an excuse for local ignorance or local neglect.

Common, high national standards create the opportunity for commonsense national assessments and eliminate the need to spend tens, if not hundreds, of millions of dollars designing 50 versions of what is largely the same 6th-grade math test. A pooling of intellectual, political and financial capital around a set of state-of-the-art assessments in reading, math and science will free capital to create assessments of other educational outcomes that in the 21st century are as determinative of real world readiness as literacy was in eras past; these include personal integrity, workplace literacy and civic awareness (no high school student should be able to graduate without demonstrating knowledge of the U.S. Constitution, for example). Common assessments also will provide an opportunity for a more nuanced view of academic success. Schools should be judged by a mix of absolute targets and the growth they prompt in students. Also, the comparisons over time should be made against the same students' prior performance, rather than judging this year's 9th graders by the results of a completely different group of 9th graders last year. Gauging this year's 9th graders against their own performance as 8th graders is more illuminating and fairer.

National assessments also will allow us to address the incredible language diversity we enjoy in this country. In our district, children whose home language is Haitian Creole represent a large minority whose progress needs to be assessed. But within the state of Florida as a whole, Haitian Creole is far less prevalent and the state's need for assessments in that language is far less pressing. Developing a common set of measurement tools that could be used wherever Haitian Creole speakers live and learn solves this problem.

As we develop these national assessments, we should be transparent about how the results will be used. I am deeply troubled that testing and accountability have merged, that high-stakes tests have warped the purpose of education and create more anxiety than learning. I appreciate assessments. In both New York and Miami, I increased assessments and demanded administrators in the central office and at schools master the data that those assessments produced. But I believe we must take assessment for what it is—a momentary picture of a student's progress. Certainly, at the school level, a much more comprehensive picture can be painted using graduation and promotion rates, participation in higher level courses, and testing in other academic subjects.

I believe strongly in accountability—continual failure in the service of children cannot be tolerated. But the survival-of-the-fittest atmosphere that has enveloped testing and accountability is harmful. If a student cannot do algebra, we do not pull the student out of class and punish him. Algebra is a subject that a student builds a rhythm for; helping a student find that rhythm takes a methodic, technical intervention. The same is true of a school in which performance is flagging. That failure should be attacked by the state and federal governments as an engineering problem, not a behavioral one.

2. We Need the Federal Government to Support Efforts that Make the Biggest Difference

On my first day as superintendent in Miami, I announced that I would take over schools that had chronically underperformed, creating the School Improvement Zone. The schools were easily identified; people had mentioned their names to me even before I officially started on the job—Edison, Booker T. Washington, Holmes. Their poor results were both well established and well known, but the district had not marshaled what was necessary to resuscitate them. Within two months, we presented a plan for turning the schools around.

I pledged to our School Board that the School Improvement Zone of 39 schools would be a time-limited intervention, so our team had to identify strategies that would give us the greatest lift in those schools in a short period of time. I urge that you promote a similar view—intense focus on what is most likely to bring about deep change quickly—as you craft the intervention provisions in this reauthorization.

In the Zone, we identified schools that were part of a continuum of underperformance—elementary schools that fed into middle schools that fed into a high school. Chronic poor performance, particular in a high school, is difficult to address as a discrete problem. In our view, an intervention that would last needed to be articulated across schools in a community.

The change that was most immediately visible—and most costly—in the Zone was the extension of learning time by roughly 20 percent by adding days to the school

year and one hour to every school day. I have no question that every student in Miami can reach high standards; I am equally convinced that they will need different amounts of learning time to reach them. As we adjust expectations upward through common, internationally rigorous standards, we will need to adjust how school is delivered as well. Time is the most ready resource we have.

The extension of time is critical, particularly in middle schools, where we need to provide students with a much more relevant experience. Every middle school student should get introduced to careers and leave 8th grade with a well-articulated plan for pursuing a career. As part of this introduction to work, students should have mentoring from local businesses. Time must be spent on building students skills at social interaction.

The Zone schools adopted a highly structured, shared literacy program that made reading their raison d'etre. We removed the reading books and replaced them with the same series across the schools. This allowed us to maximize professional development, hours for which were also boosted. We were able to train on one book, rather than four or five. Eventually, we took the same position districtwide in our elementary schools, shouldering the expense of purchasing basal reading books outside of the state's normal adoption cycle so that we could improve professional development and minimize the impact of high student mobility in our county.

Finally, we made sure that only teachers who wanted to take on the challenge of the Zone schools were in those schools. We negotiated with our teachers union to give teachers a grace period during which they could transfer to a non-Zone school without consequence. At the same time, we took applications for positions within the Zone; we had more than 500 teachers take part in a job fair when we had only 200 potential openings. The selection process placed a premium on teachers' results in moving low-performing students to higher standards.

In my view, like standards and assessment, the federal government's role in teacher quality should be expanded. First, their should be a national pay scale that ensures no teacher earns less than $40,000 per year regardless of their location. Teaching cannot be left to the charitable; a starting teacher coming out of college earns $34,200 per year in Miami-Dade, a community in which the average home costs more than $400,000 and apartments rent for $1,100 per month on average. We need a national pay structure that includes performance pay, to help capture more of the brightest college students as teachers. Second, in exchange for this pay scale, we need national standards for teacher certification. These changes will not happen if school systems are left to enact them at their own pace.

In addition, beginning with the Zone's secondary schools and now districtwide, we have paid much more attention to student attendance. Truancy is a leading indicator both of dropout risk and of instructional issues at a school—students who are engaged show up the next day to be engaged again. New research in Chicago has found that the graduation rate for students who miss less than a week of school hovers around 90 percent. Improving attendance is the first, best dropout prevention strategy.

I would contrast our approach to the Zone with our experience with Supplemental Educational Services under No Child Left Behind. Secretary Spellings has pointed to Miami-Dade as a district that has taken seriously the charge to make SES widely known and readily available. Our district devotes significant resources to alerting parents to the SES opportunity, using everything from automated telephone calls to events in shopping malls—all in three languages and all paid for above and beyond the percentage of Title I dollars we must hold back to pay for the services. Even with this massive effort, the numbers of families that avail themselves of the tutoring is small. First, not all families respond to our appeals. Second, the providers often back away from services in a particular school or neighborhood if the concentration of students there is insufficient. Unlike the strategies we pursued in the Zone, the return on investment for SES is unacceptably small in my view, particularly when it ties up a large portion of Title I funds that could be well spent in other ways. There is a disparity in terms of accountability as well. Schools in the Zone know that their performance will be measured each and every year. The same is not true for SES providers; if the students they serve fail to make AYP, they are free to continue to provide services. Strategies like those used in the Zone are the efforts that make the biggest difference. I ask that you look closely at efforts that show a clear return on investment and support them and let go of the efforts that are not impacting the progress of our students and school districts.

3. We Need the Federal Government to Support Scaffolding Parents who Will Demand More

Our experience promoting SES is instructive in contemplating what it takes to engage more parents more deeply in their children's education. The No Child Left Behind Act included new requirements for reporting school performance to the public

generally and to parents specifically. The assumption was that parents would know how to act once armed with the information.

One way that Miami-Dade's tale of two cities plays out is through the involvement of parents. We have what I describe as "demand" parents and "supply" parents. Demand parents understand how our schools operate, know what should be expected academically from students and how to get their concerns addressed by the district. In contrast, supply parents are glad that school is open every day and have little idea of whether their children are being prepared for college or for dead-end, low-scale jobs.

We have set out to create more demand parents through a program called The Parent Academy, which offers nearly 100 courses in more than 100 locations across our county that are easily accessible to parents. The courses range from lessons about our school system and its services to more general offerings about child development and child rearing to classes that help parents as adults such as resume writing or citizenship preparation. The response from both the community and parents themselves to The Parent Academy has been overwhelming. Our plan called for the academy to be funded entirely by private and philanthropic sources, and we have been able to raise the millions needed to offer this program. More than 50,000 parents have received a course certificate through The Parent Academy in just two school years.

As you consider this reauthorization, I urge you to consider school district's obligation not simply to promulgate information, but also to ensure that parents are empowered to act with that information.

In closing, I acknowledge that some may see an expanded federal role in some of the areas I have advocated for as risky. I consider these areas to be highly strategic; focusing on them may allow for a reduced federal stake in other areas. I also know that many will charge that these steps will require massive new investment. The steps will require new investment, but if done now these new investments will only require a focus on dollars spent in education. At the moment, that may simply be a question of political will. Eventually, given current trends in economics, innovation and demographics; it may very well be a question of national survival. Every moment we do not place the education of our nation as a priority brings us closer to consequences that WILL impact other national priorities (including spending) creating a domino effect that will be much harder to fix. I believe that our nation is both up to these challenges and is willing to face them head on in the best interest of our children.

Again, I thank you for this opportunity to provide the committee my written comments and share my views with you.

Prepared Statement of Mary K. Poeck, MLIS, Library Media Specialist, Vallejo City Unified School District

Chairman Miller and Ranking Member McKeon, thank you for allowing me to testify on behalf of the American Library Association (ALA). I appreciate the opportunity to comment on the value of school libraries and the school library media specialist in achieving the laudable goals of the No Child Left Behind Act.

My name is Mary Poeck and I am the Coordinator of Library Media Services, 6–12 for the Vallejo City Unified School District. I am also a member of the American Library Association, the oldest and largest library association in the world with some 66,000 members, primarily school, public, academic, and some special librarians, but also trustees, publishers, and friends of libraries. Prior to my present position, I was a library media specialist in one of the three comprehensive high schools in the district. However, due to serious financial problems in our district, requiring a State take over in 2003, the seven secondary library media specialists have been progressively eliminated in an effort to regain financial stability. When my high school library media position was eliminated, I was appointed as the Coordinator of Library Media Services, 6—12 in an effort to maintain some library services for secondary students. The school site libraries in the secondary schools are being run by Library Media Technicians. The Library Media Technicians are keeping the libraries running and doing an outstanding job of that, but since our libraries also distribute all textbooks for each secondary school, the teaching and student support functions of our libraries have been dramatically reduced. I provide as much support as possible, giving in-service training to teachers on library use and information seeking skills so they can then train their classes in these skills, but, needless to say my ability to provide specific library instructional services to approximately 8,000 students is minimal, especially with my need to coordinate textbook services as well. Elementary school library services are less available with staffing at only

some of the elementary libraries, and then often only part-time. From this experience, I have personally seen how eliminating credentialed library media specialist positions greatly diminishes student and teacher access to the multiple roles filled by this position including teacher, instructional partner, information specialist, reading support specialist and program administrator.

In 2001, with strong bipartisan support, the nation embarked on an ambitious school reform plan entitled the No Child Left Behind Act (NCLB), whose goal was to create higher standards and greater accountability throughout the Nation's school systems. Among other things, NCLB requires states to set high standards for all students and holds schools accountable for the results. Further, it requires that there be a "highly qualified" teacher in every classroom. This emphasis has resulted in significant changes in how teachers are hired and retained as well as how professional development is provided. ALA applauds the highly qualified teacher requirements in NCLB, but believes the same standards being applied in our classrooms should be extended to our nation's school libraries—that every school library should be staffed by a highly qualified, state certified library media specialist.

(Did you know, Chairman Miller, that of the 25 schools in your district there are 12 schools with no library media specialists whatsoever? And Congressman McKeon, of the 115 schools in your district, 66 are without school librarians.)

Yet, despite the vital role school libraries play in helping meet high standards for all students by having "highly qualified" teachers, NCLB is silent when it comes to the qualification of those individuals in charge of our school libraries. The more than 62,000 state certified library media specialists in public schools and 3,909 state certified library media specialists in private schools in the United States fill multiple roles—teacher, instructional partner, information specialist, reading support specialist, and program administrator—ensuring that students and staff are effective users of information and ideas, and that students develop a life-long love of reading and learning.

School library media specialists are, in every level of education, the professionals who give students the skills they need for jobs in the 21st century workplace: computing, networking, and learning how to locate and utilize all the information available to them. Using the library's many and varied resources, school librarians also teach students how to work collaboratively, which, combined with the information literacy skills, is ideal for ensuring college readiness.

School libraries are critical partners in ensuring that states and school districts alike meet the reading requirements that are part of NCLB as well as President Bush's unequivocal commitment to ensuring that every child can read by the end of third grade. President Bush and the Congress recognized the important role school libraries play in increasing literacy and reading skills when they created the Improving Literacy Through School Libraries program as part of NCLB (Title I, Part B, Subpart 4, Sec.1251).

The Improving Literacy Through School Libraries program, the first program specifically aimed at upgrading school libraries since the original school library resources program was established in 1965, is designed to improve student literacy skills and academic achievement by providing schools with up-to-date, age appropriate and exciting library materials, including well-equipped, technologically advanced school library media centers, and to ensure that school library media centers are staffed by state certified school library media specialists.

Multiple studies, more than 60 since 1965, have affirmed that there is a clear link between school library media programs and student achievement, when those libraries are staffed by an experienced school library media specialist. Based on analysis from the first year of funding for the Improving Literacy Through School Libraries program, 95 percent of local education agencies have reported increases in their reading scores. The Department of Education's November 2005 evaluation of the Improving Literacy Through School Libraries program found it has been successful in improving the quality of school libraries. Fourteen statewide studies demonstrate that a strong library media program helps students learn more and score higher on standardized achievement tests than their peers in library-impoverished schools. Unfortunately, about 25 percent of America's school libraries do not have a state-certified librarian on staff, and many professional school library media specialists are being replaced by non-professionals and in some cases school libraries are being closed, in part because school library media specialists and programs are not included in the NCLB requirement for "highly qualified" staff.

In June 2007, new legislation was introduced with these same goals: the Strengthening Kids' Interest in Learning and Libraries (SKILLs) Act, which was introduced by Representatives Raul Grijalva (D-AZ) and Vernon Ehlers (R-MI). This legislation is critical to meeting the goals of NCLB in that it requires school dis-

tricts, to the extent feasible, to ensure that every school within the district employs at least one highly qualified school library media specialist in each school library.

The SKILLs Act defines highly qualified school library media specialists as those who have a bachelor's degree and have obtained full state certification as a school library media specialist or passed the state teacher licensing examination, with state certification in library media in such state. Further, the SKILLs Act establishes as a state goal that there be at least one highly qualified school library media specialist in every public school no later than the beginning of the 2010-2011 school year.

The SKILLs Act also accomplishes the following: it broadens the focus of training, professional development, and recruitment activities to include school library media specialists; it ensures that funds will serve elementary, middle and high school students; and it requires books and materials to be appropriate for and engage the interest of students in all grade levels and students with special learning needs, including English-language learners.

The skills needed to function successfully in a 21st century global workforce have gone beyond reading. Business leaders are concerned that people are now entering the workforce without information literacy skills—those skills needed to find, retrieve, analyze and use information—which equip people with the ability to think critically and work proficiently. Who better to teach information literacy than librarians, the information experts.

When it comes to our children's education, we must ensure that they receive the best instruction possible from competent, qualified instructors. This is true in the classroom and should be true in our school libraries. Education is not exclusive to the classroom; it extends into school libraries and so should the qualification we demand of our school librarians. To be a critical part of a comprehensive and renewed strategy to ensure that students learn to read (and to read well), every school library should be staffed by a highly qualified, state certified library media specialist and every school should have a school library.

As Congress begins consideration of reauthorization of the Elementary and Secondary Education Act of 1965, ALA recommends the following:

1. Encourage each state to review their requirements for library media specialists and to define for their own state what it means to be a "highly qualified library media specialist;"

2. Set a goal for all schools receiving Title I funding to have at least one "highly qualified library media specialist" as defined by the state; and

3. Provide local flexibility for schools and districts to use funds under Title II, Part A to help hire, retain and train library media specialists so they are able to meet the 'highly qualified' definition set by the state.

We appreciate your responsiveness and look forward to determining how we can work with you to ensure that all schools reach the goals established in NCLB and that all schools are staffed by a highly qualified, state certified library media specialist.

Thank you again for this opportunity to comment on behalf of the American Library Association.

[Whereupon, at 4:30 p.m., the committee was adjourned.]

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