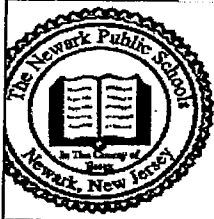
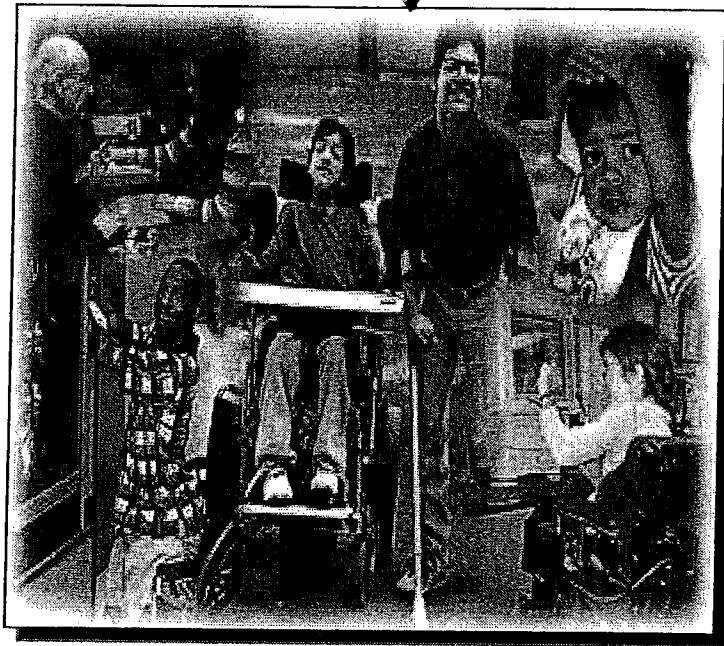


APPENDIX



MAKING IT WORK FOR *ALL* NEWARK STUDENTS!

No Child Left Behind



NCLB Implementation Review

New Jersey General Assembly

New Jersey Institute of Technology



The Newark Public Schools


Office of Title I Programs

Janet D. Chavis

April 30, 2007




THE NEWARK PUBLIC SCHOOLS
Office of Title I Programs



MAKING IT WORK IN NEWARK

"If you want things to be different, perhaps the answer is to become different"

— Norman Vincent Peale




MAKING IT WORK IN NEWARK

Presentation Overview

TODAY'S MISSION - IMPLEMENTATION


- ONCLB Mandates for Title I Schools – 2014
 - Integrating Essential Elements
 - Public School Choice
 - Supplemental Educational Services
 - Corrective Action/ District Supports
 - Highly Qualified Staff Programs
 - Planning for School Improvement
 - Keeping Our Parents Informed
 - Next Steps/ CAPA Recommendations
 - Next Steps/ Lessons Learned



MAKING IT WORK IN NEWARK

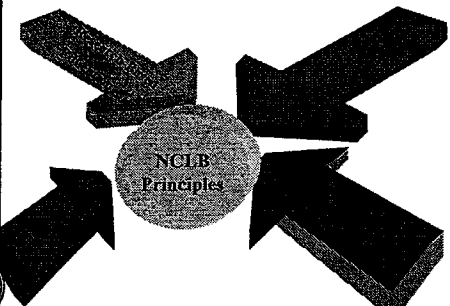
DISTRICT Profile


- 41,000+ Student Population
- 77 Schools (elementary, middle, high schools)
- 54 Title I Schools
- 41 SES Schools
- (Corrective Action) CAPA Schools
- 22+ Different Languages Spoken at Home
- 4,100+ Special Education Students
- 4,300+ Certified Instructional Staff
- 700+ Paraprofessionals (classroom and per diem)



MAKING IT WORK IN NEWARK

Integrating Essential NCLB Elements



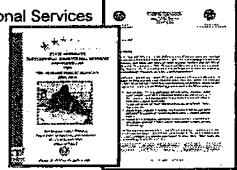



MAKING IT WORK IN NEWARK

Expanded Options for Parents

Public School Choice

- Summer Mass Mailing of Information Packets to Title I Parents on School Status, and SES Options.
- Offer parents the option to transfer student enrolled in an *SINI* school to a "High Performing" school with limited seats
- Offer Supplemental Educational Services to eligible students in "Lieu" of School Choice where choice is limited







MAKING IT WORK IN NEWARK

SUPPLEMENTAL EDUCATION SERVICES

- Supplemental services for students attending Title I schools that miss AYP benchmarks for two or more years in a row
- Currently 4,300+ students enrolled in SES programs from 41 schools
- Varied SES Program Delivery Options (17 different vendors)
- Differentiated Delivery (*Saturday, online, after school, in-home, etc.*)
- SES Selection Parent/ Guardian Driven *Exclusively*
- SES Annual Provider Fair – September 2006
- SES Tracking Software to streamline attendance, invoice, and additional record keeping requirements









MAKING IT WORK IN NEWARK


Supplemental Educational Services

Role of Providers

Providers must agree to comply with the following:

- Adhere to District SES Vendor Contract
- Individual Student Plan
- NJ CCCS and District Curriculum Alignment
- Monthly Reports to Parents
- End of the Year Report to District
- Align Instruction With IEP Goals for Special Education Students












MAKING IT WORK IN NEWARK

District Supports for Corrective Action Schools

- Corrective Action/District Supports
 - Increased Governance and Oversight
 - Redeployment of Human and Fiscal Resources
 - WSR- CAPA Oversight Committee Partnerships









MAKING IT WORK IN NEWARK

PARA HQ Local Assessment Program


Teacher Helper, Teacher Aide, Paraprofessional

ParaPro Assessment

Newark Public Schools Local Assessment

- Intensive Saturday Math Instruction (10 hours)
- Successful Completion of Essex County College Course Program – 400+ program graduates
 - Education Seminar I
 - Education Fieldwork
 - College Success Seminar



MAKING IT WORK IN NEWARK

Planning for School Improvement

Essential Questions

<p>Planning Instruction</p> <p>What am I teaching? Why am I teaching it? How am I teaching it? Why am I teaching it that way? How do I know the kids are getting it? How do the kids know they are getting it?</p>	<p>Broad School Application</p> <p>What are we doing? Why are we doing it? How are we doing it? Why are we doing it that way? How do we know the kids are getting it? How do others know how well we are doing it?</p>
<p>Group Meeting Application</p> <p>What are we meeting for? Why are we meeting? How are we planning/evaluating the business of the meeting? Why are we doing it that way? How do we know it was a success? How will others know the meeting was a success?</p>	<p>Content, Assessment, Pedagogy Planning</p> <p>What am I teaching and to whom? Why am I teaching it? How am I teaching it? Why am I teaching it that way? What evidence will I collect to show my kids are getting it?</p>

THE NEWARK PUBLIC SCHOOLS
CURRICULUM MAPPING

Effective and Efficient Use

"Common Planning" Time

Vertical/Horizontal Articulation...Curriculum Mapping

<p>Problem: You have a fourth-grade student who has severe learning disabilities in the areas of written language and spelling. His handwriting is nearly illegible. Although he knows phonics and grammar rules, he does not use them on writing or spelling assignments. He reads and comprehends at a fourth-grade level but many times cannot independently spell three letter words. He is generally cooperative and pleasant but does not have a great deal of motivation to achieve in school. How might you adjust the fourth grade curriculum to address his needs without compromising his education (what kinds of fourth-grade adaptations might be effective)?</p>	<p>Problem: There is a child in your first-grade classroom who is physically unable to control a pencil or crayon well. Because of this, she cannot complete a worksheet. However, she is able to move objects that are large enough for her to grasp. You need to assess her understanding of color and number words. Plan two activities for each skill that would accommodate her needs and provide you with the information you need.</p>
<p>Problem: In your third grade class you have a student with visual tracking issues who has difficulty participating in discussion while copying from the board. Plan two adaptations that would accommodate her need to be able to participate in class discussions and yet have notes to use for study.</p>	<p>Problem: There is a student in your third grade class who has difficulty keeping up with pencils, paper, books, etc. It appears as though he does his class assignments, but can't locate them to turn them in to the monitor at the end of the period. He is easily distracted by any change in classroom routine. List two or more strategies to assist him in monitoring his ability to remain on task and turning in assignments on time.</p>

THE NEWARK PUBLIC SCHOOLS
CURRICULUM MAPPING

MAKING IT WORK IN NEWARK

NCLB vs IDEA...Friend or Foe?

**I Think,
Therefore I Learn!**

IEP or AYP

Which One Dictates School Improvement Status?

MAKING IT WORK IN NEWARK
District Special Education Initiatives

REACT 100
 America's Premier Reading Intervention Program

Office of Special Education
 Dr. Martin P. Wilson
 Director
 Theresa S. Simon
 Assistant Director

Special Education Summit
 • Special Education Job Fairs
 • Assistive Technology Support
 • School wide Inclusion Plans
 • T & L Curriculum Alignment and Support
 • National Striving Readers Grant Support

National Striving Readers Grant Support

MAKING IT WORK IN NEWARK

Keeping Our Parents Informed

[illegible]

MAKING IT WORK IN NEWARK

Next Steps/ CAPA Recommendations

Collaborative Assessment for Planning for Achievement


○ BEST PRACTICES

- Support Math Coach positions for identified CAPA schools to facilitate the implementation and correlation between assessment data and research based instructional strategies.

○ PROFESSIONAL DEVELOPMENT

- Focus continuous comprehensive sessions to build capacity of content knowledge, classroom management and research-based learning strategies to support.

- Differentiate Instruction
- Designing Authentic Assessments
- Analyzing Student Work
- Technology Integration



MAKING IT WORK IN NEWARK

Next Steps/ CAPA Recommendations


Collaborative Assessment for Planning for Achievement (CAPA)


DATA ANALYSIS

- Analyze data to identify trends, determine student needs, and develop a plan to address subgroup deficiencies
- Continue to use data to inform instructional decisions

SELECTION OF INSTRUCTIONAL RESOURCES

- Continue to support teaching and learning for all classroom by outfitting schools with district sanctioned instructional materials.






MAKING IT WORK IN NEWARK

Challenges

- Sustaining Student Achievement Levels in ALL Schools
- Quality Control of SES Programs
- Highly Qualified- Math / Science and Special Education Teacher Shortages
- Sustaining consistent parental involvement
- Leaving No Child "Untested"
- Ever Increasing Compliance Management
- Major Funding Shortages




MAKING IT WORK IN NEWARK

Next Steps/ Lessons Learned

- Regular Review of SES Process to Streamline Process
- Determine Program Effectiveness via SES Research Study
- Emphasis on District Mandated Curriculum Implementation
- Highly Qualified Paraprofessional Candidate Pool
- Restructuring Initiative to Provide More Governance and Support to Corrective Action Schools

7.



We Know the Questions.. We Understand the Answers... *We Will Continue to DO the WORK!*

"Man In The Mirror"

I'm Gonna Make A Change,
For Once In My Life
I'm Starting With The Man In The Mirror

I'm Asking Him To Change his Ways
And No Message Could Have Been Any Clearer
If You Wanna Make The World A Better Place
Take A Look At Yourself, And
Then Make A Change

Make That Change. M. Jackson

The Newark Public Schools

Is Making That Change!

**For More Information Contact:
THE NEWARK PUBLIC SCHOOLS
OFFICE OF TITLE I**

**JANET D. CHAVIS – NCLB – TITLE I PROGRAMS
JOEANN TROTMAN – SES PROGRAMS
973-733-7116**

THANK YOU!

RV



NCLB - MAKING IT WORK FOR *ALL* NEWARK STUDENTS!

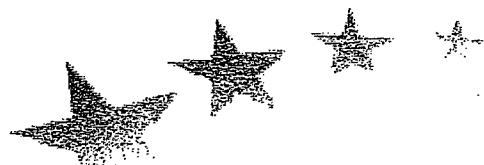
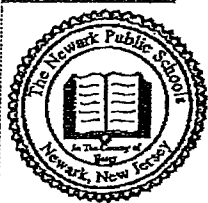


APPENDIX:

- **School Choice/ SES Summer Mailing**
- **SES 4 Year Program Comparison**
- **SES District Activity Timeline**
- **SES Pre-enrollment Packet**
- **Parent SES Registration Procedures**

THE NEWARK PUBLIC SCHOOLS
Office of Title I Programs





No Child Left Behind

THE NEWARK PUBLIC SCHOOLS

Title I Office

SUPPLEMENTAL EDUCATIONAL

SERVICES / SCHOOL CHOICE

IMPORTANT PARENT INFORMATION INSIDE
**Multiple Languages Provided*

- Schools In Need of Improvement Yearly Status – Summary Sheet
- School Choice Options* – Transfer Deadline - October 1, 2006
- Parent's Right to Know Letter* - Highly Qualified Teacher Status
- SES Providers' Fair Information* – Saturday, September 16, 2006



Marion A. Bolden, Superintendent
Anzella K. Nelms, Deputy Superintendent
Gayle W. Griffin, Ph.D., Assistant Superintendent
September 2006 – June 2007

SES 4 Year Provider Comparison 2003-2007

Provider	Students enrolled FY 03-04	Students served FY 03-04	Students enrolled FY 04-05	Students served FY 04-05	Students enrolled FY 05-06	Students served FY 05-06	Students enrolled FY 06-07	Students served FY 06-07
ASVDP/ Abington Ave. Program			2,615	1,369	2,583	2,438	2,387	
A to Z In Home Tutoring					17	16	*132	
Acadamia Net			1	1			*1	
American Home Tutoring			13		28	46	73	
Aspira, Inc.	57		5		1	0	0	
A-Step-Ahead Home Tutoring					2	2	0	
ATS							4	
Braintuse							1	
Catapult Online							19	
Center for Health Psychology							12	
Champion Learning Center							28	
Chenault's Taekwondo	14	14	25	20	17	14	33	
Club Z In-Home Tutoring	15	7	10	9	18	26	43	
Communities in Schools	108	68	41	31	60	60	*91	
Data Friendly Inc.			10	1			0	
Education Advance Corp.					1	0	163	
Education Elevation							12	
Education Station	307	218	226	150	304	330	*582	
Eldridge Overton School							1	
Essex County Ed. Service Comm.	22		8		2	20	40	
Failure Free Reading	60	15			1	0	*71	
Huntington Learning Centers					6	6	*73	
I.Y.O			2				0	
Ironbound Community Corp.	11		2	2			0	
Kumon Math & Reading	4	2	2	2	13	75	119	
La Casa de Don Pedro		41	5				0	
New Community Corp.			1				62	
Newark Museum	12	25	2				0	
Newgrange School			1				0	
Platform Learning	1,525	1,199	1,325	1,068	1,174	1,103	*300	
Protestant Community Centers, Inc.			1				0	
Rutgers University Aca.			83	77	104	92	71	
Score Educational Centers, Inc.	18	7	8	7	2	1	0	
St. James Social Services					1	9	*37	
St. Peter the Apostle H.S.							5	
TestQuest, Inc.							0	
Unified Vailsburg Services	13	7	1		9		0	
Union Chapel Community Dev.	14	11	10	9	9	8	*14	
Urban League of Essex County	44	25	15	5	66	72	*72	
Urban Youth Development					1	1	*76	
Vacamas Programs for Youth					7	4	*49	
Write Angle							6	
Total Choice Options		1		0		9		
TOTAL SERVED FOR SES	2,313	1,639	3,963	2,715	4,426	4,325	4,614	

***A name changed ASVDP 04-05 to Abington Ave. High Performing Program-05-06

(*) Indicates Providers were unable to provide tutoring services to some SINI sites and letters were sent to parents for other tutoring options.

Newark Public Schools
Title I Program
Supplemental Educational Services
2006 – 2007
Supplemental Educational Service Providers
TIMELINE

DATE	ACTIVITY/DEADLINE
June 2006	Pre-Enrollment Process Providers SES Meeting – June 16, 2006 Gateway Building Revise Cayen Contract for 2006-2007 Revise SES Provider contracts for 2006-2007
July	Receipt of 2005-2006 Provider Annual Reports Review the DOE School Improvement Status Identify SINI for 2006-2007 Prepare a mass mailing to inform parents of SINI/ SES /CHOICE in (4) languages Review New Provider Contacts Agreement for 2006-2007 Begin to process eligible pre-enrollment forms Finalize CAYEN contract for 2006-2007
August	Continue to process eligible pre-enrollment forms SES Provider contracts signed, and returned to District, <u>due August 15, 2006</u> SES Provider Training for Cayen Software Tracking system (TBA) Permits processed for providers using school facilities
September-November	Saturday, September 16, 2006 SES Provider Fair at Camden Middle school 8:30 a.m.- 1:00 p.m. SES Providers Training on the Cayen System (TBA) Continue Processing Providers contracts SES Provider applications made available to parents and schools – Sept Permits processed for providers using school facilities Process enrollment forms *SES to begin in November (pending approved contracts)*Mandatory student Pre-Test scores and approval of IAP'S placed in theCayen system
December-May	Provider services conducted Monitor/Visit SES Providers at their sites Collect SES, student, parent, teacher, surveys SES Provider thirty day invoicing using the Cayen System Monthly reports due to the District Midyear Provider meeting /April 2007 Pre-enrollment to start in eligible schools (May-June)
June – August 2007	Provider annual reports due to district.

*Annual reports for 2005-2006 are Mandatory. New contracts for 2006-2007 **will not be issued** until reports are received and approved from 2005-2006

NEWARK PUBLIC SCHOOLS
TITLE I OFFICE
SES PRE-ENROLLMENT PROCEDURES
SES AFTERSCHOOL TUTORING
2006-2007

Object:

- To inform parents and register eligible students who attend a Title I School "*In Need of Improvement*" and the student receives free/reduced lunch for the SES tutoring program.
- Start SES after school tutoring services earlier.

All enrollment forms for the "*Pre-enrollment period*" are due in the Title I Office on Monday, June 19, 2006.

Procedures:

- Every student in grades K – 7 should receive a pre-enrollment form.
- Teachers must have the students sign the form to ensure that student has received the pre-enrollment form.
- Teachers must remind students of the due date for parents to return the forms back to the teacher.
- Teachers will check off that the form has been returned and submit all completed pre-enrollment forms by **June 16, 2006** to the Principal.
- On June 16, 2006 teachers are to return the completed forms to the main office.
- Verify the school the child currently attends
- Complete every line on the registration form
- Write the name of the Provider (providers located on the back of the form)
- Write the course number next to the Provider name
- The parent can change a Provider from the previous Provider
- A parent/ guardian must **PRINT AND SIGN THE FORM**
- Parents will be notified by the Provider when tutoring will begin

Suggestions for Principal:

Ensure all pre-enrollment forms are distributed to students in grades K -7.

Remind teachers of the due date for SES pre-enrollment forms.

Use the school messenger to notify parents that the forms will be sent home with the student and must be returned back to the school on or before **June 16, 2006**.

Principals will send completed forms to the Title I Office on **June 19, 2006**.

THE NEWARK PUBLIC SCHOOLS
Title I Program
Supplemental Educational Services
PRE ENROLLMENT FORM
2007-2008

PLEASE PRINT CLEARLY IN BLUE OR BLACK INK ONLY.

(Last)	(First)	(Middle I)
Name of Student:		
School:		
Date of Birth:	Grade:	ID#: (OFFICE USE ONLY)
Address:		Apt. #:
City:	State:	Zip Code:
Home Phone#:		
Work #:	Cell #:	

DIRECTIONS:

You must select three providers you feel will best serve the needs of your child. Rank them in order of preference and write the provider number in the space provided. We will make every effort to accommodate your first choice, but space constraints or other factors may restrict us from offering that option. In that case, we will enroll your child with your second or third choice respectively, and be sure to sign where indicated. We cannot process any registration forms without written parental consent. (Providers listed on the back of enrollment form.)

☐ My son/daughter "WILL" participate in the Supplemental Education Services program.

First Choice	Provider #:
Second Choice	Provider #:
Third Choice	Provider #:

Students are eligible only if they have met the income guidelines for free or reduced lunch for the prior year 2006-2007

I understand that academic achievement records for my child will be released to the SES provider so that they may create an Individualized Learning Plan for my child, based on his/her academic needs.

I understand that the district spending limit for each student, as per the New Jersey Department of Education, is up to the state limit. Parents do not have to pay any out-of-pocket expenses for Tutoring. Parents have the option to continue tutoring services after the funding ends, by entering into a separate agreement with a provider, and paying the additional expenses.

Please note: Once your child has been approved to receive instruction from the selected State approved provider, you are responsible for making sure that he/she attends the instruction sessions. If your child misses two consecutive weeks or six sessions of instruction, the district may terminate payment.

DRAFT

DRAFT

Print: Parent/Guardian Signature

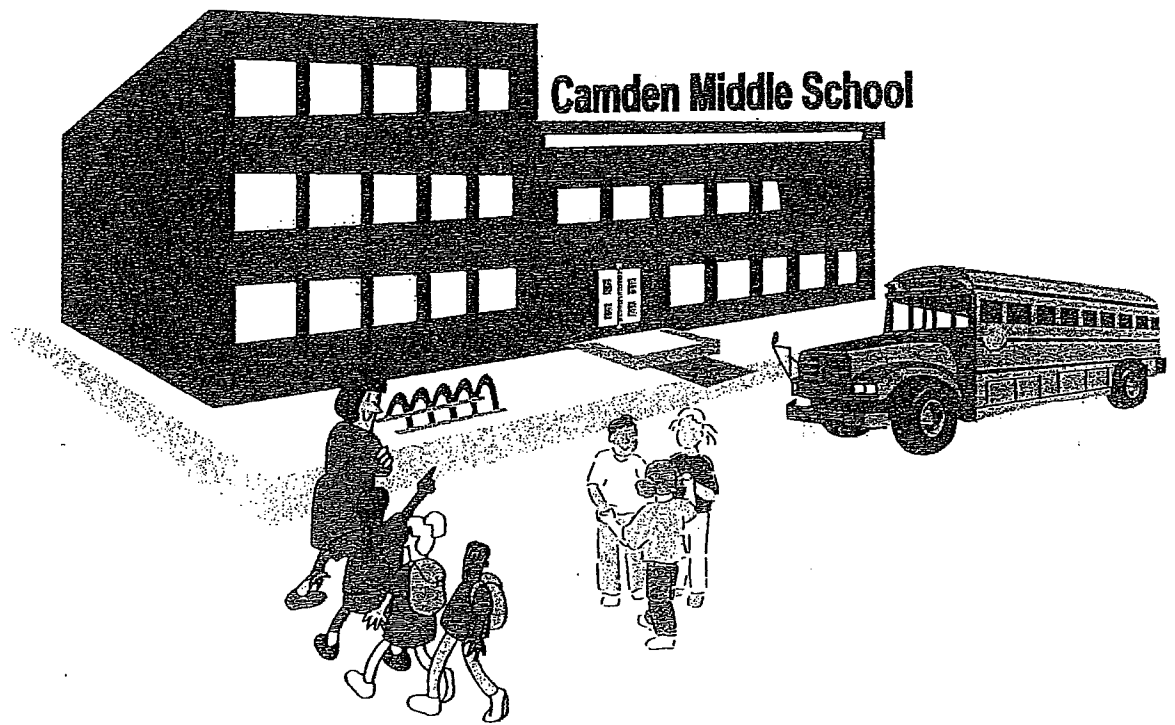
Sign: Parent/Guardian Signature

Date

Enrollment Forms Due In The Title I Office October 15, 2007

Applications received after the deadline will be placed on waiting list.

****Duplication of this Form is prohibited. Additional registration forms are available at your child's school or call the Title I Office at (973) 733-7116.**



SES PROVIDERS FAIR

When: September 15, 2007

Where: Camden Middle School
321 Bergen Street
Newark, NJ 07103

Time: 8:30am- 1:00pm



Marion A. Bolden
State District Superintendent

Gayle W. Griffin, Ph.D.
Assistant Superintendent

The Newark Public Schools
Department of Teaching and Learning
2 Cedar Street, Room 915
Newark, New Jersey 07102-3091
973-733-7173



Lucille E. Davy
Commissioner of Education

April 18, 2007

Dear Principals,

It is once again time for us to implement the Supplemental Educational Services Program for the Newark Public Schools, as required by the "*No Child Left Behind Act*" (NCLB) of 2002. Students attending a Title I School as "Needing Improvement" and eligible for free and reduced lunch may participate in the Supplemental Educational Services tutoring Program (SES).

Again this year our goal is to ensure that **parents are aware** of the Supplemental Educational Services Programs; **starting dates and tutoring locations**. This year SES Providers are required to identify their locations and obtain the signatures from the Principals. The principal's signature will give the Providers permission to use the building for the after school tutoring program **prior** to enrollment.

The pre-enrollment period is May 15, 2007 through June 15, 2007. We will use the pre-enrollment forms to enroll our eligible students into the program. Your assistance is needed to distribute and collect the completed pre-enrollment forms. We ask that you have your grade K – 7 teachers use the tracking form to ensure that each student signs when they receive a pre-enrollment form for SES tutoring. All completed pre-enrollment forms and the teacher tracking form must be returned to the Title I Office on June 15, 2007.

Attachments include the SES SCHOOL SITE / CBO SITE AGREEMENT, SES ENROLLMENT PROCEDURES and TEACHER TRACKING FORM. Suggestions are mentioned to assist Principals with notifying parents. Remember our goal is to inform parents of SES services and start the SES tutoring program earlier in the 2007-2008 school year.

As always, your cooperation is appreciated.

Sincerely,

Gayle W. Griffin, Ph.D
Assistance Superintendent
Teaching and Learning

GWG/JT

Attachments

C: Anzella K. Nelms

Assistant Superintendents

JoeAnn Trotman

Janet D. Chavis

ALL CHILDREN WILL LEARN

**THE NEWARK PUBLIC SCHOOLS
TITLE I PROGRAM
SUPPLEMENTAL EDUCATIONAL SERVICES
2007-08**

PARENT REGISTRATION PROCEDURES

- Ask the parent to print the child's information on the pre-enrollment form.
- Verify the school to ensure the school is eligible for SES tutoring.
- Review every line on the registration form with the parent.
- Review the parent's SES Provider choices.
- The parent will make three provider choices and write the provider name and provider number on the form.
- Remind the parents of the OPTION to change their SES Provider.
- **The last step is the parent signature**; the parent must print and sign his/her name.
- Parents will be notified by the provider when tutoring will begin.
- ***Remember-*** parents "MUST" fill out the form.
- ***Remember-*** the student must be eligible for free or reduced price lunch for the 2006-2007 school year if the student is to receive SES after school tutoring in the 2007-2008 school year.
- If you have questions, contact the Title I Office at (973)733-7116.



Marion A. Bolden
State District Superintendent

Gayle W. Griffin, Ph.D.
Assistant Superintendent

The Newark Public Schools
Department of Teaching and Learning
2 Cedar Street, Room 915
Newark, New Jersey 07102-3091
973-733-7173



Lucille E. Davy
Commissioner of Education

April 18, 2007

Dear Parents/Guardians:

It is once again time for us to implement the Supplemental Educational Services Program for the Newark Public Schools, as required by the "No Child Left Behind Act" (NCLB) of 2002. Students attending a Title I School identified as "Needing Improvement" and eligible for free and reduced lunch may participate in the Supplement Educational Program (SES).

Parents/Guardians can pre-enroll their child for the SES program early by selecting a provider and completing the enclosed pre-enrollment form. Parents have the option to continue services with the same provider or change the provider. A list of the state approved SES Providers that service Newark for 2006-2007 are listed on the back of the pre-enrollment form. If you would like a provider that is not listed, please fill in the provider name and Title I office will then research the provider to ensure the provider has a contract with the Newark Public Schools and is a State approved provider offering tutoring services.

We encourage all parents of students who attend a School in "Need of Improvement" and the student receives free or reduced lunch to take advantage of the early pre-enrollment process for SES tutoring services. The pre-enrollment period is May 15, 2007 through June 15, 2007. All completed and signed pre-enrollment forms must be returned to the student's school by the due date. Additional pre-enrollment forms are available at the Title I Office, located at 2 Cedar Street, Room 908 or call (973) 733-7116 or 733-6766 for assistance and on the district web site under Title I Office. Parents will be notified by the provider as to when SES will begin in the fall of 2007-2008 school year.

I know you will agree, that tutoring services can enhance your child's academic performance and confidence in the area of language arts and mathematics. We look forward to a successful year in which your child will show unprecedented advances in their skills and knowledge.

Sincerely,

Gayle Griffin, Ph.D
Assistant Superintendent
Teaching and Learning

GWG/JT/mr

ALL CHILDREN WILL LEARN

211

Newark Public Schools
Title I Schools In Need of Improvement
Preliminary Eligible Schools List based on 2006-2007
AYP- Status

SCHOOLS		SLT	YEARLY STATUS	ELIGIBLE FOR SES
1.	Burnet Street	1	5	<input checked="" type="checkbox"/>
2.	Cleveland	1	2	<input checked="" type="checkbox"/>
3.	Eighteenth Avenue	1	3	<input checked="" type="checkbox"/>
4.	Hawkins Street	1	4	<input checked="" type="checkbox"/>
5.	Dr. Martin Luther King Jr.	1	5	<input checked="" type="checkbox"/>
6.	Morton Street	1	5	<input checked="" type="checkbox"/>
7.	Newton Street	1	6	<input checked="" type="checkbox"/>
8.	Quitman Street	1	3	<input checked="" type="checkbox"/>
9.	South Street	1	3	<input checked="" type="checkbox"/>
10.	Sussex Avenue	1	4	<input checked="" type="checkbox"/>
11.	West Side High School	2	4	<input checked="" type="checkbox"/>
12.	Avon Avenue	3	6	<input checked="" type="checkbox"/>
13.	Belmont -- Runyon	3	3	<input checked="" type="checkbox"/>
14.	Bragaw Avenue	3	3	<input checked="" type="checkbox"/>
15.	William H. Brown Academy	3	6	<input checked="" type="checkbox"/>
16.	George W. Carver	3	6	<input checked="" type="checkbox"/>
17.	Chancellor Avenue	3	4	<input checked="" type="checkbox"/>
18.	Dayton Street	3	5	<input checked="" type="checkbox"/>
19.	Hawthorne Avenue	3	4	<input checked="" type="checkbox"/>
20.	Madison Avenue	3	2	<input checked="" type="checkbox"/>
21.	Maple Avenue	3	6	<input checked="" type="checkbox"/>
22.	Miller Street	3	5	<input checked="" type="checkbox"/>
23.	Peshine Avenue	3	4	<input checked="" type="checkbox"/>
24.	Louise A. Spencer	3	4	<input checked="" type="checkbox"/>
25.	Broadway	4	4	<input checked="" type="checkbox"/>
26.	Roberto Clemente	4	3	<input checked="" type="checkbox"/>
27.	Elliott Street	4	5	<input checked="" type="checkbox"/>
28.	Dr. E. Alma Flagg	4	6	<input checked="" type="checkbox"/>
29.	Franklin	4	2	<input checked="" type="checkbox"/>
30.	Luis Muñoz Marin	4	2	<input checked="" type="checkbox"/>
31.	McKinley	4	2	<input checked="" type="checkbox"/>
32.	Rafael Hernandez	4	6	<input checked="" type="checkbox"/>
33.	Roseville Avenue	4	2	<input checked="" type="checkbox"/>
34.	Dr. William H. Horton	4	5	<input checked="" type="checkbox"/>
35.	Camden Middle	5	4	<input checked="" type="checkbox"/>
36.	Fifteenth Avenue	5	3	<input checked="" type="checkbox"/>
37.	Lincoln	5	2	<input checked="" type="checkbox"/>
38.	South 17 th Street	5	3	<input checked="" type="checkbox"/>
39.	Speedway	5	2	<input checked="" type="checkbox"/>
40.	Thirteenth Avenue	5	3	<input checked="" type="checkbox"/>
41.	Vailsburg Middle	5	6	<input checked="" type="checkbox"/>

- Per student allocation for 2006-2007 is \$1,946
- Total schools eligible for SES 41

Select *three* providers. Rank them in order of preference and write the Provider # in the space indicated.

List of State approved providers under contract in Newark 2006-2007

***Indicates The Providers Who Provided Tutoring Services For 2006-2007**

	<u>Provider #</u>
* Abington Avenue School	177
Academia.net, LLP	001
* American Home Tutoring	006
* ATS Educational Consulting Services Project Success	192
Babbage Net School, Inc.	008
* Brainfuse Online Instruction	014
Bright Sky Learning	213
* Catapult Online (subsidiary of Catapult Learning)	156
* Center for Health Psychology	019
Champion Learning Center, LLC	211
* Chenault's Taekwondo- The Learners Acad. (avail. only on Sat.)	022
* Club Z In-Home Tutoring Services	185
* Communities In Schools of Newark	027
Community Tutoring Services/Fischetti Consulting	210
Data Friendly, Incorporated	030
* Education Advance Corp.	157
* Education Station, A Sylvan Partnership	034
Educational Elevation	178
* Essex County Educational Services Commission	037
Essex Learning and Testing Services, Inc.	197
Excel Learning Systems	221
* Failure Free Reading	038
* Huntington Learning Center	052
I Can Learn	053
Innovative Educational Program, LLC	054
International Youth Organization (IYO)	055
Ironbound Community Corporation	056

KLC School Partnerships (formerly EdSolutions, Inc.)	033
Knowledge is Power Learning Center	063
* Kumon Math & Reading Center	064
* New Community Corporation	081
* Platform Learning	095
* Protestant Community Centers, Inc. (PCCD)	097
Specialized Student Services, a subsidiary of Alternatives Unlimited, Inc.	216
* St James Social Services Corporation	111
St. Peter The Apostle High School	112
Studentnest, Inc.	200
The Eldridge Overton School of Excellence LLC	196
Union Chapel Community Development Corporation	132
* Urban League of Essex County	135
* Urban Youth Development Corporation	173
* Vacamas Programs for Youth	174
Write Angle	176

****Note:** If a provider is not listed in the revised State approved list, it will be available after June 30, 2007.

Please call the Office of Title I for assistance (973) 733-7116.

New Jersey Council of County Vocational-Technical Schools

Helping County Vocational-Technical Schools Address Unique NCLB Challenges Testimony Presented to the Assembly Education Committee Judy Savage, Executive Director, NJCCVTS April 30, 2007

Good morning, Chairman Stanley and members of the Committee. Thank you for holding today's hearing on the impact of No Child Left Behind and for providing this opportunity to discuss the particular challenges this law creates for many of New Jersey's county vocational-technical schools districts.

While the No Child Left Behind law has many positive provisions, it also has unintended negative consequences that must be addressed at both the state and federal level. Among those are the impact on county vocational-technical school districts, which serve a large number of special education students. Statewide, approximately 27% of all county vocational school students are classified, compared to 11% of all students statewide (NJDOE data).

Special education students thrive at New Jersey's 21 county vocational-technical schools, and local school districts rely on them as a high-quality and cost-effective placement for special needs students. Hands-on learning that integrates academic and technical skills helps those with moderate disabilities make sense of complex concepts and prepares them for continuing education and meaningful employment. Students with more severe disabilities learn critical life and job skills that enable them to live independently and become contributing members of society.

While these special education students are successful in their academic and occupational studies at county vocational schools, many of them do not pass the High School Proficiency Assessment (HSPA). In fact, some have Individualized Education Plans (IEPs) that specifically exempt them from passing the test. Yet, NCLB requires these students to take the HSPA anyway, and it penalizes their school when they fail to pass a test deemed inappropriate for their abilities.

The problem is particularly acute for county vocational schools for several reasons:

- They have an extremely high concentration of special education students received from other school districts throughout the county; and
- Because they receive students in ninth grade, county vocational schools have no control over their K-8 educational program or performance and limited time to impact their HSPA performance; and
- The label "in need of improvement" is especially damaging to a school of choice that must actively recruit and retain its students each year.

Last year, six county vocational-technical school districts had schools identified as "in need

of improvement."¹ Two additional districts were placed in "early warning" status.²

The reauthorization of No Child Left Behind provides a critical opportunity for Congress, state leaders, and stakeholders to correct aspects of the law that are hurting students and schools and build on the intent of improving performance of all students. It is also an opportunity for our state leaders to take a stronger stance in support of our schools and students, advocating for sensible changes in law and policy.

Eugene Catanvaro is here from the Burlington County Institute of Technology to talk more specifically about how the law affects students in his district and other full-time county vocational schools with large special education populations. Before he does, I would like to offer a few specific recommendations that should be addressed during reauthorization.

1. NCLB should assess the progress and achievement of special education students in a manner that is consistent with their IEPs.

Students exempted from standardized state tests by their IEP should not be required to take these tests for the purpose of determining district AYP. Requiring these kids to take an inappropriate test makes them feel like failures. Counting their performance toward the district's determination of Adequate Yearly Progress (AYP) unfairly penalizes their school.

Again, this is particularly harmful to county vocational school districts that serve as regional "magnet" schools for students with disabilities. Districts serving an exceptionally large percentage of special education students should be granted a waiver to assess more students via alternate and modified exams. Without recognition of this situation, our schools may be forced to limit the number of special education students they can accept into their programs.

2. The measure of "Adequate Yearly Progress" should recognize the progress of individual students from year to year, not just an increase in the percentage of students who pass a single high-stakes test.

Growth models give schools credit for student achievement over time by tracking individual student progress from year to year. This approach would recognize the success of county vocational schools, which receive students in ninth grade and have just two years to prepare them for the HSPA.

Sadly, many students come to the county vocational school with low levels of academic achievement. Typically, these students have failed the GEPA in Grade 8, and they begin intensive remediation at the county vocational school along with their academic and technical training programs. Usually, the county vocational school is able to improve the performance of these students over time, but even so, they may not reach the rising benchmarks established by the state.

NCLB does not consider these students' progress over time. Rather, it measures an annual "snapshot" of each 11th grade class's initial performance on the HSPA .

¹ Burlington, Camden, Essex, Middlesex, Passaic and Sussex counties

² Bergen and Warren counties

It would make more sense to measure each cohort's progress over time. This "growth model" is a much fairer way to assess "Adequate Yearly Progress" because it recognizes the real progress that schools and students are making. This approach is being piloted in 10 states, and should be an option for all states in the new law.

3. **Absent assessments that are consistent with each student's IEP and a more meaningful way to measure AYP, the test scores of special education students should be counted with their home districts rather than aggregated at the county vocational school.**

School districts retain responsibility for the test scores of all special education students placed outside the district except those sent to county vocational-technical schools. If the rules continue to penalize school districts with large special education populations, then it is unfair to aggregate those scores at the county level. Counting the scores of special education students with their home districts will retain accountability at the local level and eliminate a burgeoning disincentive for county vocational schools to serve these students on a regional basis.

On behalf of the Council of County Vocational-Technical Schools, I thank you for this opportunity to discuss our particular concerns. I would like to ask Eugene Catanvaro to give you some specific examples from Burlington County Institute of Technology, which grapples with these issues on a daily basis.



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

The Implementation and Impact of No Child Left Behind: Where do we go from Here?

Presented to:
New Jersey Assembly Education Committee
Monday, April 30, 2007

NO CHILD LEFT BEHIND

NCSL Task Force Report:

- **Chapter 1:** The Federal Role in Education Reform
- **Chapter 2:** AYP- The Centerpiece Of NCLB
- **Chapter 3:** Students with Disabilities/Limited English
- **Chapter 4:** Flexibility for Urban & Rural Districts
- **Chapter 5:** Highly Qualified Teachers
- **Chapter 6:** Cost

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 1: Recommendations

- **Shift focus from processes and requirements to outcomes and results**
- **Example:** Federal register notice October 19, 2006 estimates the burden of U.S. Department of Education reporting requirements on SEAs, LEAs and schools to be 6,700,000 hours, up 150% from last estimate(2003). @ \$26/hour that is in excess of \$135,000,000.

3

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 1: Recommendations (cont'd)

- Develop a transparent and uniform process for considering grant and waiver applications.

(Example: Reading First)

- **OIG Report: Education officials violated conflict of interest rules when awarding grants to states under the reading program and steered contracts to favored textbook publishers.** The IG report found that the program is awash with conflicts of interest and willful mismanagement. It also suggests that **ED violated the law by attempting to dictate which curriculum schools must use. Referred to Justice Department.**

4

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Transparent and Uniform?

Nebraska

- negotiated a special deal allowing a statistical model to be applied to validate the comparability of its system of local tests.
- This flexibility was granted because state officials drew a line in the sand, essentially threatening to not participate.
- Feds reneged on deal in August 2006.

5

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Transparent and Uniform?

California

- proposed that all ELL students be excluded from the AYP calculations for 5 years.
- Exempting any group from AYP calculations was forbidden by the law, but federal officials agreed to a 3-year exemption for California, under condition that the state not reveal the exemption

6

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Transparent and Uniform?

Arizona

- May 2003: high-level federal officials verbally approved exempting Arizona's ELL kids from AYP calculations.
- August 2005: the state superintendent announced that parts of Arizona's accountability plan, previously approved, had been retroactively disallowed by a federal compliance audit.

7

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Transparent and Uniform?

New York

- had a problem: their Regents Exams, administered since 1865, allowed students to re-take tests as needed. NCLB prohibits re-takes. In January 2003, 15 minutes before a White House Rose Garden announcement, the New York Board of Regents was steadfast: allow re-tests as part of our plan or we don't join the press conference. New York prevailed; the Department relented.

Virginia

- state officials repeatedly requested re-tests (allowed under Virginia Standards of Learning regulations), to no avail. In December 2005, almost 3 years later, newly drafted guidelines reversed course, allowing 11 states to include re-testing in their accountability plans.

8

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Transparent and Uniform?

Washington

- proposed an "N" size change to be eligible for the 1%, 2%, 3% flexibility. The request was denied on the rabbit-hole explanation that the state was simply trying to get the 20% exemption.

Texas

- August 2005, Commissioner Shirley Neely announces that Texas law exempts the test scores of up to 9% of students (about 90% of special education students) from grade-level proficiency tests. Immediately, the number of Texas schools on the AYP watch dropped from 1,718 to 402 and the number of failing districts dropped from 517 to 86.
- The Department fined the state \$444,000 for an unrelated infraction (quietly rescinded as part of the "Katrina" package) and negotiated a new exemption of 5% of students (50% of special education students) from AYP calculations for school year 2005-2006.

9

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Transparent and Uniform?

Florida

- good example of the conflict between federal requirements and state practices:
 - Over 87% of Florida schools were identified as failing in the first year of NCLB and of those, 22% received an "A" or "B" under the Florida accountability system.
 - Florida now contends that an "A" or "B" performance under its rules nullify AYP failure by dubbing that performance "provisional AYP attainment."

10

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Transparent and Uniform?

Oregon

- after being turned down for the initial round of growth model flexibilities, reapplied. They were denied. Why?
- The state had recently revised their standards (upward). This was cited as an example of "instability" within the system.
- This despite the fact that Tennessee had done exactly the same thing, that is, revised standards, applied for growth model waiver, which was then accepted.

11

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 2: Adequate Yearly Progress- The Centerpiece of NCLB

- AYP gives schools **40 ways to fail and only one way to pass.** (Must meet all conditions to pass, and one deficient condition means failure.)
- State accountability systems are used to diagnose problems and focus resources, **AYP is designed to identify failure and to punish**
- On testing-"Weighing a pig more often does not make it fatter." Nebraska State Superintendent Doug Christiansen

12

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

No distinction between this "Non-Performing School"...

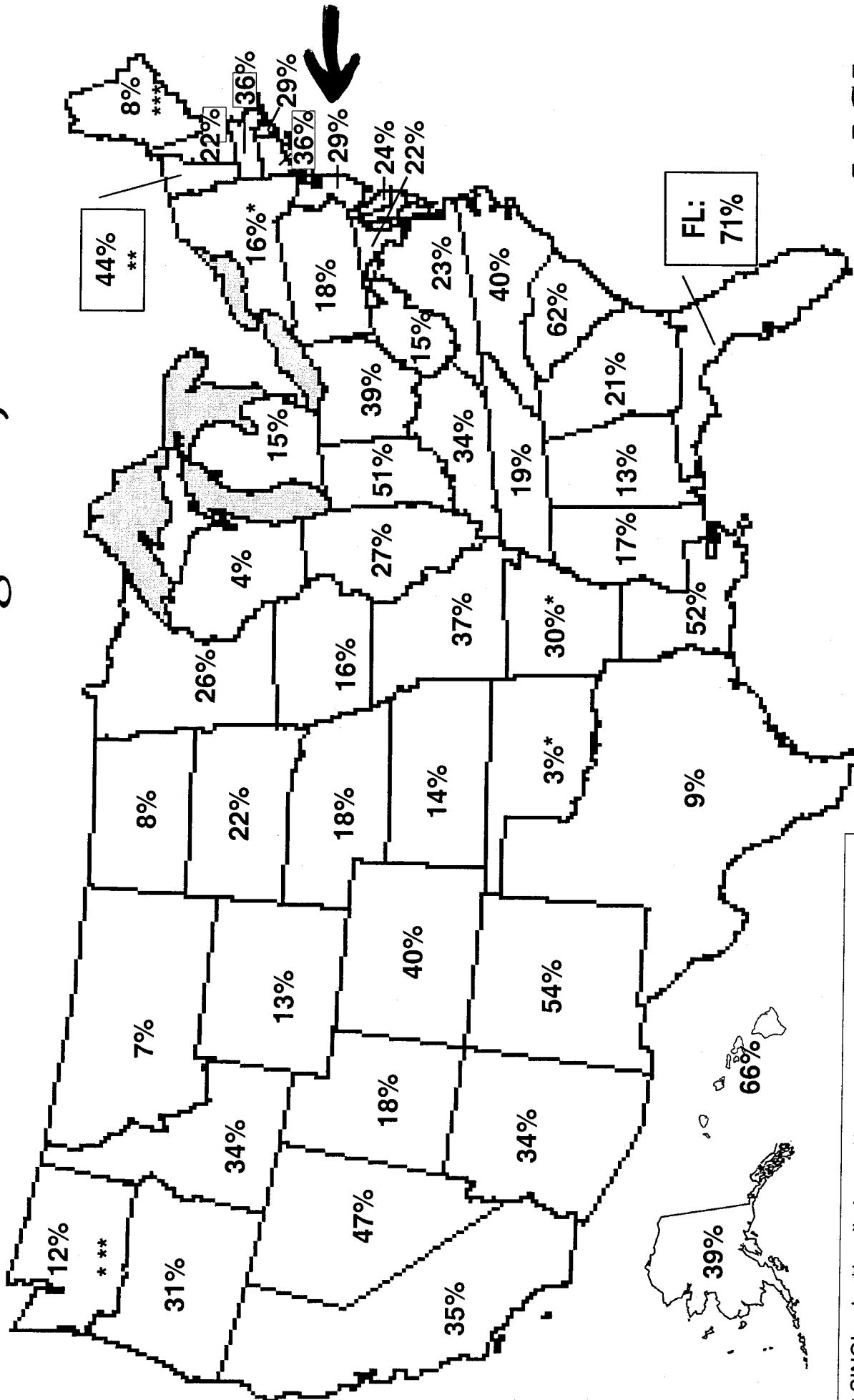
	Participation	Proficiency	Participation	Proficiency	
All Students	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Economically Disadvantaged	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Other indicator for secondary schools is the graduation rate. For elementary and middle schools, it is typically the attendance rate.</p> <p>Additional indicator applies only to the school-wide population.</p>
Asian/Pacific Islander	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Black	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Hispanic	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Native American	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
White	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Students with Disabilities (SWD)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Limited English Proficient (LEP) Students	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

.... and this Non-Performing School?

	Participation	Proficiency	Participation	Proficiency	
All Students	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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Limited English Proficient (LEP) Students	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

% of Schools Not Making AYP, 2006



* SINOI only ** preliminary *** does not include high school



Is uneven flexibility & waiver authority a symptom or a solution?

Flexibility granted in calculating AYP

- confidence intervals (17 states)
- safe harbor provisions (17 states)
- standard errors of measurement (4 states)
- uniform AYP averaging (4 states)
- rounding rules (5 states)
- indexing (13 states)

16

Is uneven flexibility & waiver authority a symptom or a solution?

"...what once seemed a clear if highly controversial policy has now become a set of bargains and treaties with various states."

The Unraveling of No Child Left Behind: How Negotiated Changes Transform the Law By: Gail L. Sunderman, Harvard Civil Rights Project. Foreword by Gary Orfield. February 2006, Harvard Civil Rights Project

17

	SWDs Option I	SWDs Option II	SWDs Option III	Participation/uniform averaging	Katrina subgroup	Minimum subgroup size	Extra time to graduate	Identifying districts for improvement	Confidence intervals	Indexing	Retesting	AMOs	Delays or changes due to new tests	Delays due to contractor problems
Alabama	06			05, 06	06			05	04	05		05	05	
Alaska				04		04, 06			04			05	05	
Arizona	05			04		05		05				06	06	
Arkansas				04	06	04	06	04	04			06		
California	06			04				05	05					
Colorado	05		06											
Connecticut				04				04, 06	06					06
Delaware	05			05				04	05		06			
District of Columbia													06	
Florida	05					05						05		
Georgia	05			04	06	05	05	04				05	05	
Hawaii	06			04		05			05					
Idaho	05			04, 06			04	06						
Illinois	05			04		05		05	06					
Indiana	05			04				05	05					
Iowa	05			06			05	06						
Kansas		06		04		04, 06	04		04			06	06	
Kentucky				04, 06		04	04						06	
Louisiana		06		04	06			04, 06	04, 05				06	
Maine				04				04	04					
Maryland	05		06	05				04			06		05	
Massachusetts	05		06	04		04		06					06	
Michigan	06			05		05			05	06		06	06	
Minnesota				04		05						04	04, 06	
Mississippi	05				06			05	05	05				
Missouri				04		04		04, 06	04			05, 06	06	
Montana	05			05		05			05			06		

	SWDs Option 1	SWDs Option II	SWDs Option III	Participation/ uniform averaging	Katina subgroup	Minimum subgroup size	Extra time to graduate	Identifying districts for improvement	Confidence intervals	Indexing	Retesting	AMOs	Days or changes due to new tests	Days due to contractor problems
Nebraska				04		04	05	04	04					
Nevada	05							05				04, 06	04, 06	
New Hampshire	05							04				06	06	
New Jersey						04	05	04	06		05			
New Mexico	05			05		05	05	05	05	05		05	05	
New York	05					04			04		06	06	06	
North Carolina		06		04		04		04, 06	04			05, 06	05, 06	
North Dakota		06		04, 06			04							
Ohio				04				04						
Oklahoma	05			04				04	05, 06	04				
Oregon	05							05			04	06	06	
Pennsylvania	05			04				05	04	05				
Puerto Rico		06		06		06			06			06	06	
Rhode Island				04, 06					06					
South Carolina				04		04	05	05	04	05				06
South Dakota	05							04	05			05, 06	05	
Tennessee	05			04	06	04	04	04, 06	04, 06		04		05	
Texas				04	06						04			
Utah								06						
Vermont						06						06	06	
Virginia	05			04, 06		05	05	05			05, 06	05		
Washington				04, 06		04	04, 05		04		05, 06	04, 06	06	
West Virginia	05			04			06	04				06		
Wisconsin				04, 06				05	05	06				
Wyoming				04, 06			04	04	04		05	06	05	
Total # of states	28	5	3	40	7	25	16	35	31	8	10	24	25	2*

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Is uneven flexibility & waiver authority a symptom or a solution?

- Allowable "adjustments" so alter the impact of AYP that we consider them to be prima facie evidence of a failed metric.
- Try an experiment: Ask 100 parents to explain the impact of indexing and the application of standard errors of measurement on Johnnie or Jillian's school's AYP rating.
- A roomful of psychometricians pleaded with Congress to not use AYP as a metric with consequences and were thoroughly and utterly ignored.

20

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 2: AYP Recommendations

- Recognize degrees of failure and subsequent consequences.
- Give states the option of adding or substituting a true "student growth" approach to testing and accountability, rather than the "successive group" approach prescribed by NCLB.
- Allow states to use multiple measures rather than relying exclusively on standardized tests to evaluate performance.
- Reduce the over identification of failure and make the adequate yearly progress provisions less prescriptive, rigid and absolute.
- Allow states to decide the order of interventions when a school is identified as being in need of improvement and to target those interventions.

21

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 3: Students with Disabilities and Limited English Proficiency

- IDEA requires teaching to ability, NCLB requires testing to grade level -for all but about 10% of the special ed population. (Now an additional 20% of "gap kids" may be exempt- a newly discovered exemption.
- Significant **contradictions** between NCLB's expectations for students with limited English proficiency (LEP) and what is commonly acknowledged by research. (Example: NCLB expects LEP students to perform at grade level within 2 years of entering the country.)
- Shouldn't we differentiate between a 15 year old Somali with little or no formal education and no English skills and the 10 year old Mexican-American who has been in U.S. schools and immersed in our culture for 9 of his 10 years?
- With both IEP and LEP groups, achievement of "proficiency" and movement out of the group means only **those who by definition cannot meet proficiency will populate the sub-group.**
- IDEA is a statute but also has a basis in Civil Rights Law. **IDEA should always trump NCLB,** with Individualized Education Program (IEP) deciding appropriate testing regimen.

22

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 3: Students with Disabilities and Limited English Proficiency

Law(s) and regs now identify at least 5 levels of assessments for special education students, if USDEd approves.

1. Alternative assessments based on alternative achievement standards: for severe cognitive disability, with a limit of 1% of the overall student population which equals about 10% of the spec ed population.
2. Alternative assessments on modified grade level achievement standards: for a max of 2% of the student population or 20% of special education population.
3. Alternative assessments on grade level achievement standards.
4. Accommodated assessments on grade level achievement standards: with each student needing individual "accommodations."
5. Regular state assessments on grade level achievement standards.

23

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 3: Students with Disabilities and Limited English Proficiency

Questions:

- Does the new emphasis on accountability reflect increased achievement and are special education students benefiting from the assessments?
- With need for more tests and more personnel to administer the 5 levels, how are resources for actual services impacted?
- What do you have to do to be eligible for this flexibility?

24

The 3% Solution: 27 Criteria to Qualify

USED "will establish state-specific agreements" using Raising Achievement principles to determine which states may implement this interim flexibility

Ensuring students are learning:

1. Raising overall achievement and
2. Closing the achievement gap;

Making the school system accountable:

3. Including all students in all schools and districts in the state;
4. ensuring all students are part of a state's accountability system and are tested in reading and math in grades three through eight and once in high school by the 2005-06 school year;
5. providing data on student achievement by subgroup;

Ensuring information is accessible and parents have options:

6. Informing parents in a timely manner about the quality of their child's school and their school choice options,
7. identifying schools and districts that need to improve,
8. developing a **dynamic list** of after-school tutors,
9. **encouraging public school choice and the creation of charter schools and**
10. creating easily accessible and understandable school and district report cards; and

Improving teacher quality:

11. Providing parents and the public with accurate information on the quality of their local teaching force,
12. implementing a rigorous system for ensuring teachers are highly qualified and
13. making aggressive efforts to ensure all children are taught by highly qualified teachers.

***The 3% Solution:
27 Criteria to Qualify (cont'd)***

If the four principles are met, USED may consider (when appropriate and as necessary) the following factors in approving additional flexibility

14. Compliance with NCLB and its predecessor, the Improving America's Schools Act;
15. Graduation and drop-out rates;
16. Fiscal management;
- 17. High school reform initiatives;**
18. Data infrastructure capabilities and state capacity to improve achievement;
19. State academic standards;
20. Availability of alternate teaching certification programs; and
21. School improvement processes that integrate approaches to serve the needs of all students including those receiving special education and who are limited English proficient.

***The 3% Solution:
27 Criteria to Qualify (cont'd)***

*States may implement this new policy if they
"agree to several activities" including:*

22. Must have same size subgroup for disabled students as all other subgroups
 - Immediate impact on 9 states.
23. Improving alternate assessments based on alternate achievement standards
24. Developing modified achievement standards
25. Implementing a strong accountability system
26. Offering high quality professional development

The special education “proxy”-an attempt to ameliorate the over identification of failure (SWDs)

Figure out what number would be 2.0% of all students assessed

(approximates number of students who might benefit from modified assessments)

Add the proxy to the number of students with disabilities who are proficient

If proxy is 14.6, and 32% of students with disabilities are proficient, $32 + 14.6 = 46.6$

Use this new number to calculate AYP – ONLY for schools that did not make AYP solely due to SWDS

If AYP target is 42%, then this school makes AYP.

- ❑ [State] will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed.
- ❑ For the 2005-06 AYP determinations, this proxy will then be added to the percent of students with disabilities who are proficient.
- ❑ For any school or district that did not make AYP solely due to its students with disabilities subgroup, [State] will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005-06 school year.

28

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 3: Students with Disabilities and Limited English Proficiency

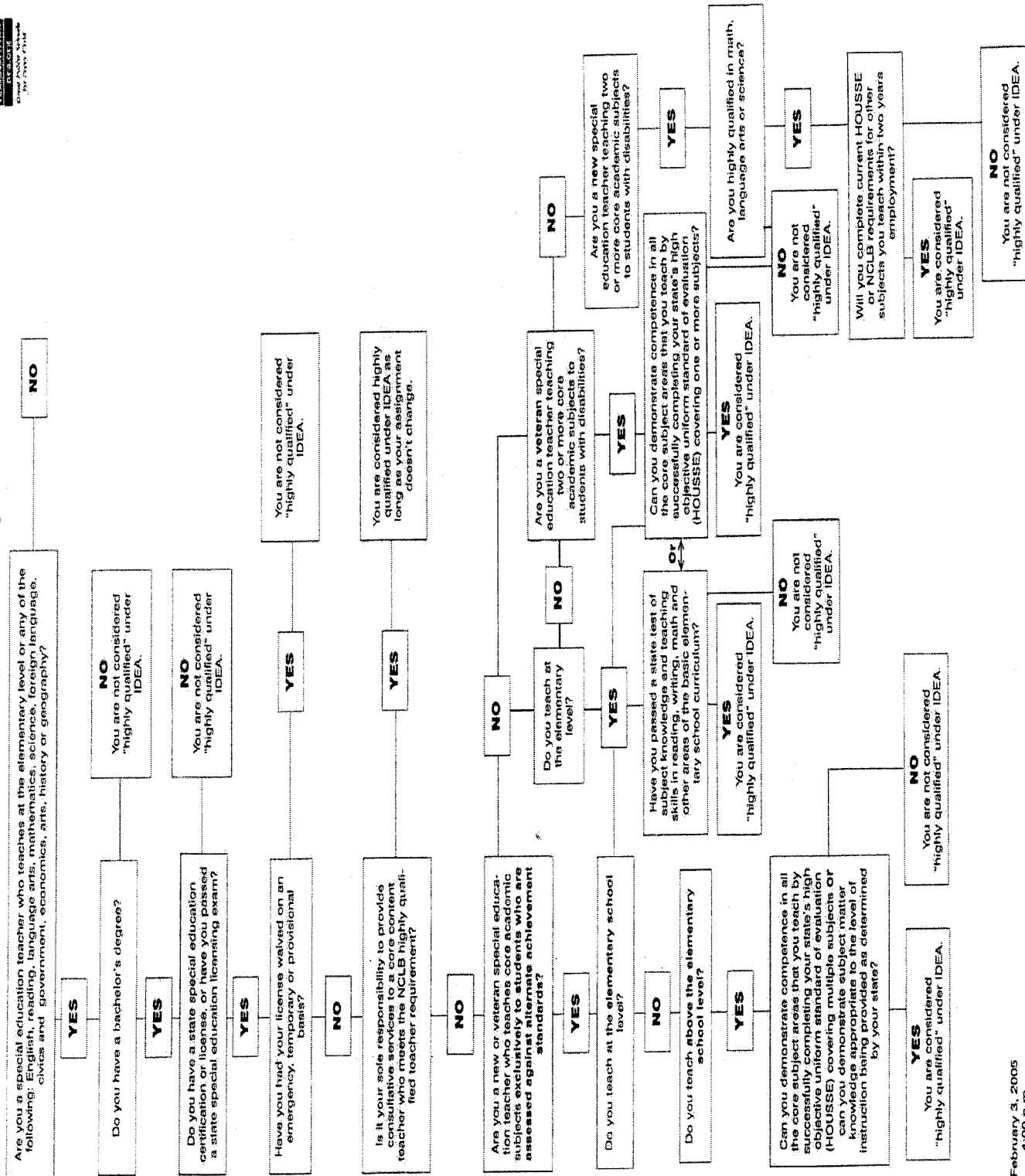
- Highly qualified special education teachers? (see the following “road map”)
- Certifying highly qualified teachers is a state responsibility –unless federal dollars are paying the teacher.

29

422



What Constitutes a Highly Qualified Special Education Teacher Under The Individuals With Disabilities Education Improvement Act of 2004 (P.L. 108-446)

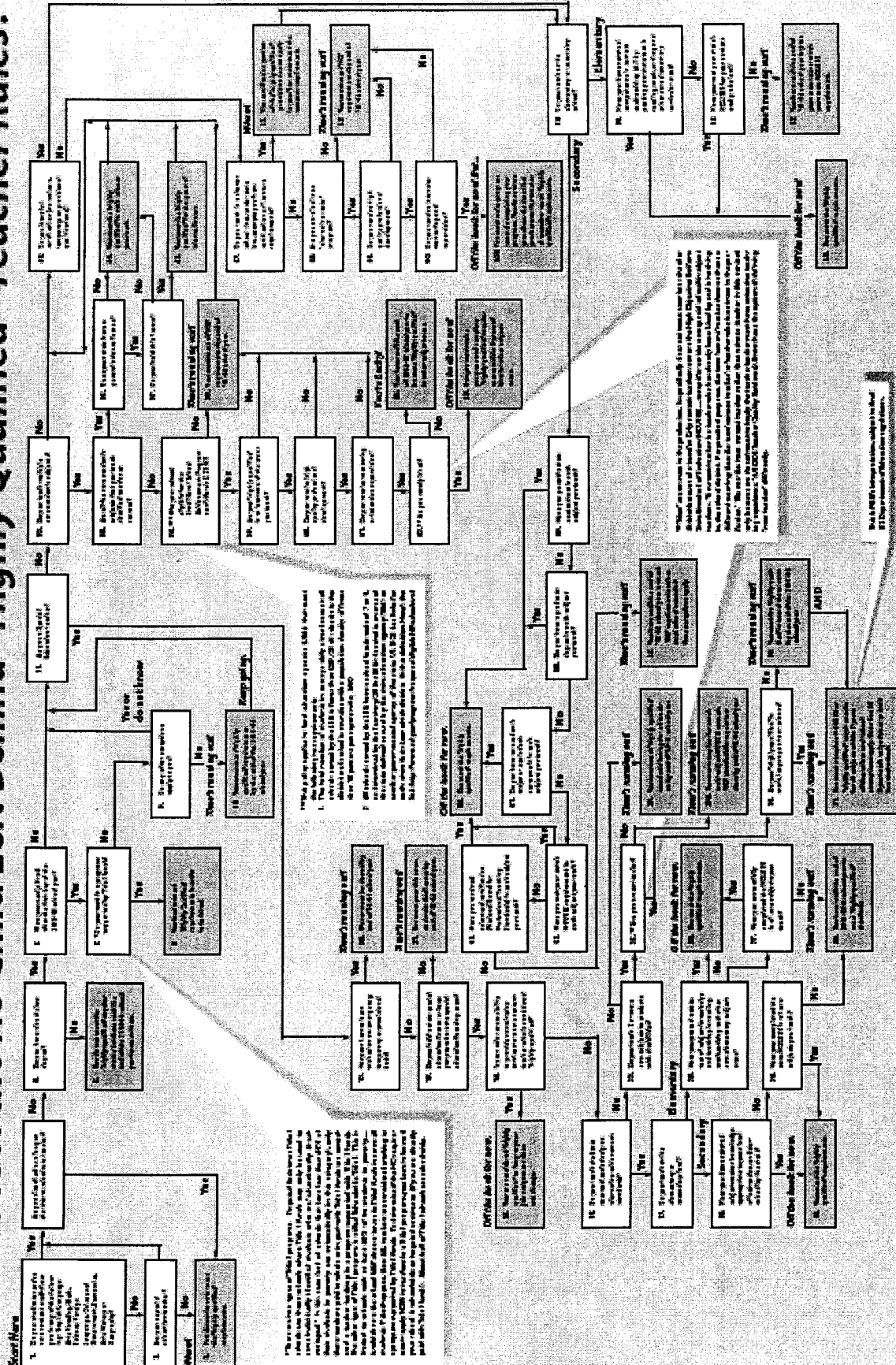


THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 5: Highly Qualified Teachers

- Highly qualified teachers? (*See the following "road map"*)
- Certifying highly qualified teachers is a state responsibility –unless federal dollars are paying the teacher

Time is Almost Up!
Do You Meet the No Child Left Behind "Highly Qualified" Teacher Rules?



NEA is fighting to "Fix and Fund" the so-called No Child Left Behind (NCLB) Act. Time is running out for all of us. According to the U.S. Department of Education, local education agencies (school districts) whose teachers don't meet the new rules risk losing federal funding. While we support most of the goals of the law, there must be common sense changes. Go to www.nea.org/nea for more information on the law and how YOU can help.

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 6: The Cost of Closing the Achievement Gap: Compliance

- Task Force report: 1% - 5% of state aggregate education budgets for administrative requirements of NCLB
- Under a conservative estimate of average costs to implement NCLB (2% per year of aggregate state ed budgets) and an expansive evaluation of federal funding increases (2% increase in aggregate K-12 funding, which includes increases in Special Ed), the cost of complying with NCLB's administrative requirements is matched by federal approps increases.

33

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Chapter 6: The Cost of Closing the Achievement Gap: Proficiency

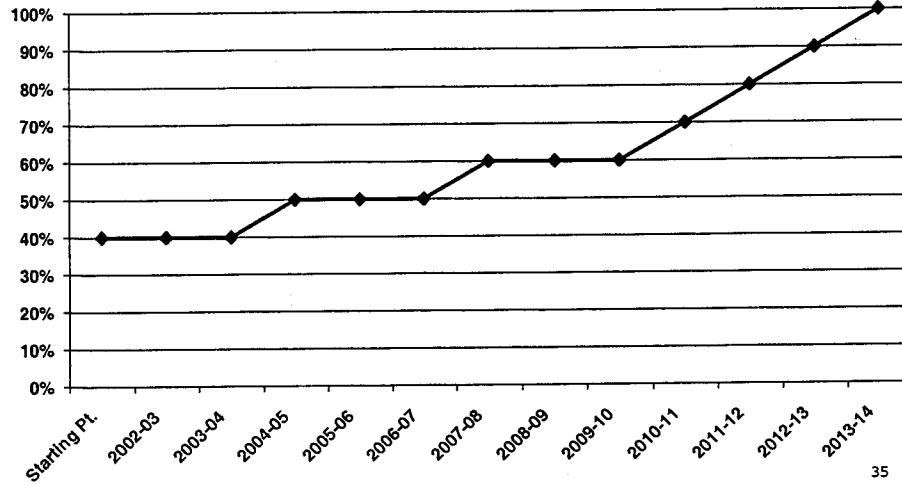
- West Virginia: Study puts WV within 4-6% annual, recurring compliance estimate and in the 8-10% annual, recurring proficiency estimate, for a minimum total of +12% compounded annually.
- WV chose modest path to proficiency by choosing "balloon payment" commitment to reaching 100% proficiency. As a result, WV not hurting yet. See next slide.

34

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BACKLOADING OR "BALLOON PAYMENT"

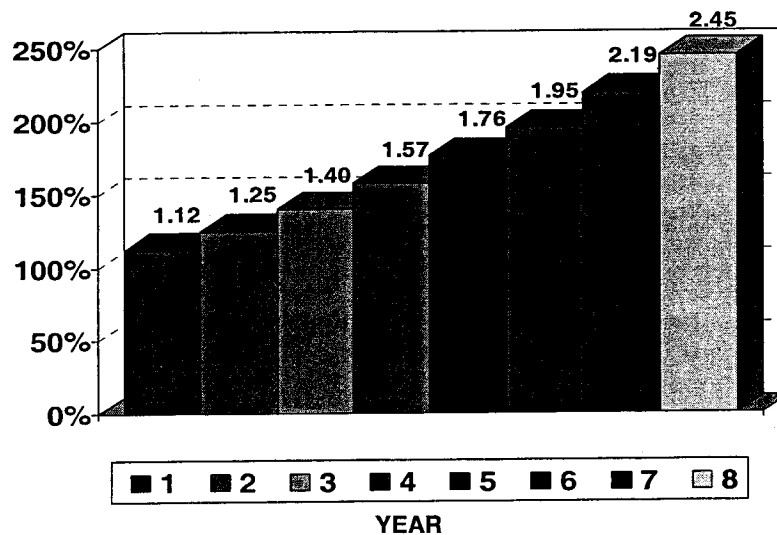
(Source-AASA) 22 states (includes West Virginia)



35

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Estimated yearly funding increases to meet proficiency targets (West Virginia)



36

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Proficiency Projection Studies: AYP Failure Rates Projected for 2014

- Connecticut: 93%
- Florida: 90%
- Minnesota: 90+%
- Illinois: 96%
- Massachusetts: 74%
- Indiana: 94%
- Louisiana: 75%
- California: 99%
- Pennsylvania: 77%

37

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Chapter 6: The Cost of Closing the Achievement Gap: Federal funding for Title I

For SY 06-07:

- 38% of LEAs will gain Title I funds
- 62% of LEAs will lose Title I funds
- BUT, states are now required to reserve 4% of funds for school improvement activities, so...
 - 10% of LEAs will gain funds, remainder lose, and
 - 25 states lose Title I funding compared to previous year

38

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Federal Actions-Funding Title I

Table 4. Top Ten Losing States Ranked by Dollar Loss of Title I Funds

State	Dollar Reduction	Percentage Reduction
California	\$46.1 million	2.60%
Puerto Rico	\$26.5 million	5.68%
Massachusetts	\$22.4 million	9.74%
New York	\$20.4 million	1.67%
Missouri	\$ 9.2 million	4.67%
Virginia	\$ 8.8 million	4.06%
Michigan	\$ 7.5 million	1.72%
Connecticut	\$ 7.1 million	6.60%
Wisconsin	\$ 6.9 million	14.24%
New Jersey	\$ 6.4 million	2.35%

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Federal Actions-Funding Title I

Table 5. Top Ten Gaining States Ranked by Dollar Increase in
Title I, Part A Funds

State	Amount of Increase	Percentage Increase
Florida	\$39.6 million	6.51%
Ohio	\$24.1 million	6.23%
Arizona	\$12.5 million	5.04%
Texas	\$12.0 million	1.02%
Indiana	\$ 9.8 million	5.61%
Nevada	\$ 7.4 million	10.63%
Pennsylvania	\$ 6.5 million	1.36%
Oregon	\$ 6.4 million	5.15%
Louisiana	\$ 6.1 million	2.21%
Colorado	\$ 5.7 million	4.60%

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND Federal Actions-Funding Title I

Table 3. Comparison of School Year 2005-06 and School Year 2006-07
State Title I, Part A Allocations

	2005-06 Total Title I, Part A Allocation	2006-07 Total Title I, Part A Allocation	Dollar Difference SY 2006-07 and SY 2005-06	Percentage Difference SY 2006-07 and SY 2005-05
United States	\$12,608,772,785	\$12,582,591,130	\$ -26,181,655	-0.21%
Alabama	\$ 195,054,363	\$ 198,973,598	\$ 3,919,325	2.01%
Alaska	\$ 33,685,281	\$ 33,198,364	\$ -486,917	-1.45%
Arizona	\$ 248,947,463	\$ 261,504,161	\$ 12,556,698	5.04%
Arkansas	\$ 124,833,439	\$ 125,428,167	\$ 594,728	0.48%
California	\$ 1,776,542,957	\$ 1,730,432,867	\$ -46,110,090	-2.60%
Colorado	\$ 123,503,053	\$ 129,180,467	\$ 5,677,414	1.00%
Connecticut	\$ 107,510,828	\$ 100,417,791	\$ -7,093,037	-6.60%
Delaware	\$ 33,822,100	\$ 33,814,011	\$ -8,089	-0.02%
District of Columbia	\$ 50,359,380	\$ 48,910,085	\$ -1,449,296	-2.88%
Florida	\$ 607,927,184	\$ 647,491,426	\$ 39,564,242	6.51%
Georgia	\$ 406,582,073	\$ 410,368,994	\$ 3,786,921	0.93%
Hawaii	\$ 47,544,186	\$ 46,178,981	\$ -1,365,205	-2.87%
Idaho	\$ 42,239,388	\$ 42,446,498	\$ 207,110	0.49%
Illinois	\$ 538,322,669	\$ 540,227,659	\$ 1,904,990	0.35%
Indiana	\$ 174,453,721	\$ 184,238,900	\$ 9,785,179	5.61%
Iowa	\$ 64,154,574	\$ 65,012,345	\$ 857,771	1.34%
Kansas	\$ 80,552,079	\$ 81,753,892	\$ 1,201,813	1.49%
Kentucky	\$ 187,312,943	\$ 183,955,830	\$ -3,357,113	-1.79%
Louisiana	\$ 277,695,043	\$ 283,841,634	\$ 6,146,591	2.21%
Maine	\$ 48,565,017	\$ 45,553,124	\$ -3,011,893	-6.20%
Maryland	\$ 170,956,601	\$ 171,873,921	\$ 917,320	0.54%
Massachusetts	\$ 230,006,730	\$ 207,609,645	\$ -22,397,085	-9.74%
Michigan	\$ 433,983,135	\$ 426,534,626	\$ -7,448,509	-1.72%
Minnesota	\$ 108,585,254	\$ 109,437,238	\$ 851,964	0.78%

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Federal Actions-Funding Title I

Minnesota	\$	108,585,254	\$	109,437,238	\$	851,964	0.78%
Mississippi	\$	167,138,754	\$	170,465,550	\$	3,325,796	1.99%
Missouri	\$	196,404,362	\$	187,237,599	\$	-9,166,763	-4.67%
Montana	\$	41,674,992	\$	41,019,595	\$	-655,397	-1.57%
Nebraska	\$	51,488,249	\$	50,696,205	\$	-792,044	-1.54%
Nevada	\$	69,528,057	\$	76,917,847	\$	7,389,790	10.63%
New Hampshire	\$	32,329,034	\$	30,974,490	\$	-1,354,544	-4.19%
New Jersey	\$	271,634,000	\$	265,252,139	\$	-6,381,861	-2.35%
New Mexico	\$	109,532,365	\$	112,602,036	\$	3,069,671	2.80%
New York	\$	1,226,676,199	\$	1,206,243,796	\$	-20,432,403	-1.67%
North Carolina	\$	287,644,435	\$	292,401,975	\$	4,757,540	1.65%
North Dakota	\$	32,197,096	\$	30,110,050	\$	-2,087,046	-6.48%

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Federal Actions-Funding Title I

Ohio	\$	386,302,092	\$	410,371,501	\$	24,069,409	6.23%
Oklahoma	\$	40,102,281	\$	140,632,283	\$	530,002	0.38%
Oregon	\$	124,395,311	\$	130,799,719	\$	6,404,408	5.15%
Pennsylvania	\$	477,866,518	\$	484,370,084	\$	6,503,566	1.36%
Rhode Island	\$	47,968,924	\$	47,231,106	\$	-737,818	-1.54%
South Carolina	\$	177,392,857	\$	177,378,171	\$	-14,686	-0.01%
South Dakota	\$	36,186,438	\$	36,431,453	\$	245,015	0.68%
Tennessee	\$	202,692,962	\$	204,529,915	\$	1,836,953	0.91%
Texas	\$	1,176,358,242	\$	1,188,391,708	\$	12,033,466	1.02%
Utah	\$	55,472,286	\$	54,383,177	\$	-1,089,109	-1.96%
Vermont	\$	29,138,015	\$	28,332,015	\$	-806,000	-2.77%
Virginia	\$	216,517,554	\$	207,716,947	\$	-8,800,607	-4.06%
Washington	\$	177,054,534	\$	176,459,185	\$	-595,349	-0.34%
West Virginia	\$	103,625,567	\$	99,331,338	\$	-4,294,229	-4.14%
Wisconsin	\$	161,967,152	\$	156,101,360	\$	-6,865,792	-4.24%
Wyoming	\$	29,848,543	\$	28,824,326	\$	-1,024,217	-3.43%
Puerto Rico	\$	466,496,506	\$	440,001,336	\$	-26,495,170	-5.68%

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Reauthorization Issues

- Compliance vs. Flexibility: Arizona and Nebraska
- Individual vs. Group Assessment: Many have volunteered, few (2) selected, 3 more in line!
- Expansion into High Schools and potentially College: failed once w/Perkins. Try again!
- Expansion of Choice to include Private Schools: House "R"s and Administration
- Increased Funding to reach Proficiency: House and Senate "D"s.
- National Standards/National Tests: 6 prominent Republican policy wonks have endorsed...Democrats, too!
- Pre-emptions in Administration's recommendations.
- Right of private action?

THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

Lessons from NCLB implementation:

- Our system of government is predicated on a distrust of centralized power exercised arbitrarily from afar.
- Feds are not very good at micromanaging processes-they do not have the capacity or the self control to avoid heavy-handedness.
- Despite the admirable and articulate goals of NCLB, it has become a process oriented exercise in bureaucracy that could be made worse, and certainly will not be made substantially better, by the expansion of the federal role in K-12 education.
- Surge I (Department of Ed's "Blueprint") and Surge II (Aspen Commission Report) for NCLB?



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations (“Building on Results”) and
Recommendations of the NCSL’s Task Force on No Child Left Behind

“Building on Results”	NCSL Recommendations	Comments
Every Child Performing at or Above Grade Level by 2014		
<p>Accountability: States will be held accountable for ensuring that all students can read and do math at grade level by 2014. They will disaggregate test scores, participate in the National Assessment of Educational Progress (NAEP), and report state and NAEP results to parents on the same report card.</p>	<p>“NCLB’s goal of 100% proficiency by 2014, while admirable, should be re-evaluated and examined as it is in practice unattainable, and puts states in the constant risk of litigation for not providing adequate resources.”</p>	<p>According to the Department, 46 states are <u>not</u> on course to achieve 100% proficiency. One state (South Dakota) has committed to meeting the target in 2008. Four states are on track, i.e. currently meeting proficiency targets in all groups and subjects—(Kansas, North Carolina, Oklahoma and Delaware) to meet the goal.</p>
Flexibility for Innovation and Improvement		
<p>Growth Models: States will be able to use growth models to measure individual progress towards grade-level proficiency by 2014, as long as they have robust data systems and well-established assessments, and set annual goals based on proficiency, not on students’ backgrounds.</p> <p>For those states with well-established assessments and robust data systems, growth models will be permitted in their overall accountability systems.</p> <p>The growth model must ensure that all students are proficient by 2014 in reading/ language arts and math while setting individual student progress measures to ensure that achievement gaps are closing for all student groups.</p>	<p>“The US Department of Education process for state plan approval and amendment should be uniform, transparent, deliberate, and prompt, with waiver requests, both those approved and denied, made public.”</p> <p>“States should be granted the ability to use “value-added” or “student-growth” approaches in their accountability plans. These methods are a more accurate measure of student performance and will allow states to focus resources on the students and schools that have the most need.”</p>	<p>The Department’s commitment to “growth” models is mitigated by the experience of states thus far in applying for permission to use the model. After a much touted announcement of willingness to experiment with up to 10 “growth” model states, only two states’ applications have been approved.</p> <p>The problem seems to be a high threshold to qualify for the flexibility as well as great latitude on the part of USED in defining and interpreting the qualification parameters. What the Department is proposing to those states whose request is approved, is not a “growth” model but a hybrid, giving states credit for growth while requiring attainment of 100% proficiency in the same prescribed time.</p>
<p>Prioritized Support for Schools: States will be able to focus more federal resources, interventions, and technical assistance on schools with the greatest needs, such as those identified for improvement or corrective action.</p>	<p>“To focus NCLB money on the students in most need, states should be allowed to use Title I funds to provide intervention services to failing subgroup(s) and low-income students only. If those resources are not used, states should be allowed</p>	



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations ("Building on Results") and
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	to redirect them to other programs that serve disadvantaged students."	
Schools will be able to focus their choice options and SES resources on students not yet proficient, so long as the "all-students" group meets the state's proficiency target and the school meets the 95 percent participation requirement for assessments... only school districts that notify parents of their choice and SES options no later than 30 days prior to the beginning of the school year will be permitted to prioritize their support activities.	"To better address school weaknesses, supplemental tutoring services should only be provided in the subject area that causes that school to miss AYP."	
Flexibility: States will be able to prioritize their school improvement activities based on the specific needs and successes of the school. To help states and districts tailor programs for their needs, 100 percent of specified federal funds may be moved among programs.		
Students With Disabilities		
Allows states to tailor assessments to small groups of students with disabilities with modified or alternate achievement standards as long as they are of high technical quality and promote challenging instruction.	"In situations where the Individuals with Disabilities in Education Act (IDEA) and NCLB conflict, Congress should recognize IDEA as the prevailing federal law regarding students with disabilities."	This flexibility for special education assessments was offered by the Department in 2005. It requires states to meet 27 different criteria to qualify but is silent on who pays for the 5 different assessments methods used to test special education students.
Students with disabilities must participate fully and meaningfully in state assessments. To ensure districts receive credit for their work in helping these students make academic progress, states will have the option of assessing a small group of students with disabilities based on alternate and modified achievement standards	<p>"States should be granted the flexibility to determine the percentage of special education students who are best tested at their ability level, rather than their grade level, based on individualized education plans (IEPs)"</p> <p>"States should be allowed to set separate starting points and AYP projection paths for students with</p>	



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations ("Building on Results") and
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	disabilities."	
English Language Learners		
Schools will be recognized by state accountability systems for making significant progress in teaching limited English proficient (LEP) children critical English language skills. More attention will be focused on English language acquisition as the foundation for academic achievement. To acknowledge the close relationship between the development of English language proficiency and academic content proficiency, as well as to create incentives to accelerate the learning of English, <u>state accountability systems will include a provision to recognize schools making significant progress in moving LEP students toward English language proficiency</u>	"States should have discretion to determine when to administer native-language tests to students with limited English proficiency and when to use English-only tests."	This section appears to require states to <u>report additional information</u> on the performance of English Language Learners.
Safe Schools: In order to create safe and healthy learning environments, states will be given funds to provide districts with training, technical assistance, and information on best practices. In addition, the Safe and Drug-Free Schools grant program will be consolidated into a single, more flexible <u>discretionary program</u>		
Challenging Our Students and Preparing Them to Succeed		
Graduation Rates: All 50 Governors have agreed to use a more accurate graduation rate. <u>By 2011-12, this school-level data must be disaggregated and reported in state accountability calculations. In the meantime, all states must report district-level disaggregated results of the Average Freshmen Graduation Rate (AFGR) in state accountability calculations.</u>	<p>"States should be allowed to use multiple measures in judging student performance. NCLB relies too much on testing, which is not an accurate measure of student performance, nor does it adequately identify under-performing schools."</p> <p>"States should be allowed to use their own accountability systems to comply with the "spirit of the federal law." AYP methodology is inferior to many plans developed by</p>	Holding states responsible for graduation rates undermines students who graduate with a differentiated diploma, i.e. particularly special education students who by law are allowed and encouraged to stay within the school system beyond the 12 th grade. <u>This would also require additional reporting by states.</u>



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations ("Building on Results") and
Recommendations of the NCSL's Task Force on No Child Left Behind

	states prior to NCLB and improperly identifies schools as failures due to the multiple opportunities the law creates for failure."	
Rigorous Coursework		
<p>By 2010-11, states must develop course-level academic standards for English and mathematics that prepare high school students to succeed in college and the global workplace.</p> <p>By 2012-13, states will administer assessments aligned to these standards for two years of English and mathematics and publicly report the extent to which all students are on track to enter college or the workplace fully prepared.</p>		<p>This provision requires <u>additional standards and testing</u> at the high school level, without requiring them to be included in AYP calculations.</p> <p>A similar proposal to expand the testing regimen of NCLB into the high schools was proposed in the reauthorization of the Perkins Act in the spring of 2006. It was defeated when the House passed Perkins 416-9 and the Senate passed Perkins 99-0, rejecting the expansion of testing into high schools.</p>
Advanced Classes: More teachers will be trained to lead Advanced Placement and International Baccalaureate classes. In addition, Academic Competitiveness Grants will continue to provide financial incentives for students to take a rigorous course of study in high school and college		
High School Students		
Federal Title I funds will be substantially increased to serve low-income high school students. Funding for low-income elementary and middle schools will be protected		With little flexibility in the federal budget, are these new funds or shifting from other line items?
Adjunct Teacher Corps		
Talented and qualified professionals from math, science, and technology fields will be encouraged to teach middle and high school courses, especially in low-income schools.	"The federal government could have a greater affect on student achievement by provide incentives to attract better teachers to challenging school districts, instead of creating burdens that exacerbate	



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations ("Building on Results") and
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	the supply of teachers."	
Helping Teachers Close the Achievement Gap		
Teacher Incentive Fund: The Fund will help states and districts reward teachers and principals who make progress in raising student achievement levels or closing achievement gaps, as well as educators who choose to serve in the neediest schools.		
Math Achievement: To improve math achievement, the President's <i>Math Now for Elementary School Students</i> and <i>Math Now for Middle School Students</i> programs will provide competitive grants to train teachers in proven instructional methods, including upcoming findings of the National Math Panel.		
Science Achievement		
Beginning in 2008-09, disaggregated results from science assessments will factor into state accountability calculations, with grade-level proficiency expected for all students in science by 2019-20.		With additional assessment results included in AYP calculations, schools are statistically more likely to fail to meet AYP.
Reading Achievement: The Striving Readers program, which provides intensive intervention to students in grades 6-12 who are struggling to reach grade level in reading / language arts, will be expanded to reach more students. We will <u>continue to invest in Reading First, the largest, most successful early reading initiative ever undertaken in this country.</u>		An audit by the U.S. Department of Education's (ED) Office of Inspector General (IG) of the Reading First initiative has concluded that federal officials violated conflict of interest rules when awarding grants to states under the reading program and steered contracts to favored textbook publishers. The IG's report found that the program is awash with conflicts of interest and willful mismanagement. It also suggests that ED violated the law by attempting to dictate which curriculum schools must use.



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations (“Building on Results”) and Recommendations of the NCSL’s Task Force on No Child Left Behind

Rural School Districts		
New teachers in small, rural school districts will have additional time to meet Highly Qualified Teacher requirements. Larger rural districts will have the flexibility to use federal funds that are currently available to only the smallest districts. Finally, larger per-child Supplemental Educational Services (SES) amounts will be provided for qualified rural students.	<p>“The federal government should recognize the unique circumstances present in rural and urban schools and provide incentives and flexibility for improvement in these school systems, rather than impose penalties and sanctions.”</p> <p>“Any flexibility granted to rural districts or schools should include a broader definition of “rural” than the definition used by the US Department of Education in the February 2004 announcement related to highly qualified teachers.”</p> <p>“States should be allowed to determine the conditions under which exceptions can be granted to meeting the definition of “highly qualified.”</p>	
Strengthening Public Schools and Empowering Parents		
School Improvement Fund: Funds will be targeted to ensure improvement in some of the nation's most challenging schools. School Improvement Grants will support implementation of the schools' improvement plans and will assist states' efforts to closely monitor and review those plans while providing technical assistance to turn around low-performing schools.	<p>“Congress should acknowledge that states have authority over education and are committed to the same goal of improving education and allowing every child to succeed.”</p> <p>“Congress should create a revitalized state-federal partnership that focuses on results, not on processes, and ensures accountability without stifling state and local innovation.”</p> <p>“Congress should amend NCLB in a way that eliminates direct federal regulation of local education agencies and limit its direct interaction to states.”</p>	



The Reauthorization of the No Child Left Behind Act

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<p><i>Promise Scholarships:</i> <u>Public schools that go into restructuring status will be required to offer private school choice</u>, intensive tutoring, or inter-district public school choice through Promise Scholarships to low-income students in grades 3-12. Federal funds will follow the child to his or her new school, to be supplemented by a federal scholarship of \$2,500.</p>		<p>Having the federal government require private school choice, while attractive to some and anathema to others, is preemptive of state sovereignty and the 10th amendment.</p>
<p><i>Opportunity Scholarships:</i> This new program will <u>support local efforts to expand public and private school choice options within a set geographic area</u>. Modeled after the Washington, D.C. choice program that the federal government has funded since 2004, it would enable students to attend a private school through a locally designed scholarship program. Families could also seek additional tutoring for their children.</p>		
<p>Staffing Freedom at the Most Troubled Schools</p>		
<p>Schools that are required to be restructured will be able to <u>remove limitations on teacher transfers from their collective bargaining agreements</u>, similar to contract revisions permitted under bankruptcy law, so that the school leadership is able to put the most effective staff in place.</p>		<p>Collective bargaining agreements are entered into by state and local governments and governed by state and local statutes. Overriding these agreements is preemptive of state sovereignty and the 10th amendment.</p>
<p>Charter Schools</p>		
<p>The federal charter school program will support all viable charter applications that improve academic outcomes. In addition, local decisions to convert schools identified for restructuring into charter schools will be allowed, <u>even if the total number of charter schools would then surpass a state's charter cap</u>.</p>	<p>"Congress should acknowledge that states have authority over education and are committed to the same goal of improving education and allowing every child to succeed."</p>	<p>Laws governing charter schools are a provenance of state and local governments and statutes. This provision is preemptive of state sovereignty and the 10th amendment</p> <p>"Responsiveness to constituencies within state boundaries is diminished as the power of the federal government</p>



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations (“Building on Results”) and
Recommendations of the NCSL’s Task Force on No Child Left Behind

		grows disproportionately. Disturbingly, federal constraints upon state action grow even as states are increasingly acknowledged as innovators in public policy. To revitalize federalism, the three branches of the national government should carefully examine and refrain from enacting proposals that would limit the ability of state legislatures to exercise discretion over basic and traditional functions of state government.” (Excerpt from NCSL Federalism Policy)
Supplemental Educational Services (SES)		
Tutoring and after-school instruction will be offered to all low-income students who attend a school in improvement status <u>from the first year forward, one year earlier than before</u> . In addition, districts will be asked to spend all relevant federal funds or risk their forfeiture, eliminating the disincentive to support SES and choice programs.	<p>“States should be allowed to use their own accountability systems to comply with the “spirit of the federal law.”</p> <p>“AYP methodology is inferior to many plans developed by states prior to NCLB and improperly identifies schools as failures due to the multiple opportunities the law creates for failure.”</p>	

Other NCSL Issues not Specifically Addressed by the U.S. Department of Education’s Recommendations

- Congress should create a revitalized state-federal partnership that focuses on results, not on processes, and ensures accountability without stifling state and local innovation
- Congress should amend NCLB in a way that eliminates direct federal regulation of local education agencies and limit its direct interaction to states.
- The US Department of Education should fulfill its role as a national center for diagnostic data collection and scientific research and dedicate more resources toward those services.
- Congress should create clear, unambiguous conditions that are placed on federal education funds, and limit the punitive financial consequences on states if they choose not to participate, thus eliminating the use of coercion.



The Reauthorization of the No Child Left Behind Act

Comparison of the U.S. Department of Education Recommendations ("Building on Results") and Recommendations of the NCSL's Task Force on No Child Left Behind

- Congress should request a GAO study on whether NCLB is an unfunded mandate in the way it requires states to spend their own money or change their accountability systems to comply with the law.
- The US Department of Education process for state plan approval and amendment should be uniform, transparent, deliberate, and prompt, with waiver requests, both those approved and denied, made public.
- States should be allowed to use multiple measures in judging student performance. NCLB relies too much on testing, which is not an accurate measure of student performance, nor does it adequately identify under-performing schools.
- The US Department of Education should allow for greater flexibility in how schools, districts and states count students who could be included in multiple subgroups, the formula states must use in calculating test participation, and report graduation rate requirements for students who pursue alternative education paths.
- States should be allowed to determine the order of consequences imposed on a school or district that does not make AYP.
- Receiving schools should be allowed to exempt students taking advantage of the school choice option in order to give that school time to improve the student's performance before they are held accountable to AYP. Currently, there is a disincentive for schools to accept students wishing to transfer.
- To better address school weaknesses, supplemental tutoring services should only be provided in the subject area that causes that school to miss AYP.
- In situations where the Individuals with Disabilities in Education Act (IDEA) and NCLB conflict, Congress should recognize IDEA as the prevailing federal law regarding students with disabilities.
- States should be allowed to set separate starting points and AYP projection paths for students with disabilities.
- NCLB should be amended to allow special education teachers who teach multiple subjects to meet the definition of "highly qualified" without having to prove content knowledge for each academic subject they teach.
- The federal government should recognize the unique circumstances present in rural and urban schools and provide incentives and flexibility for improvement in these school systems, rather than impose penalties and sanctions.
- States should be allowed to determine the conditions under which exceptions can be granted to meeting the definition of "highly qualified."
- Congress should request that GAO conduct a comprehensive study into the costs to states and local districts of complying with the administrative costs of NCLB and the costs of meeting the proficiency targets of NCLB
- Congress should recognize the relatively nominal impact the "historic" increases in federal funding have on aggregate K-12 expenditures.
- Congress should increase federal funding as current levels, at best, meet only the compliance costs of NCLB,



The Reauthorization of the No Child Left Behind Act

**Comparison of the U.S. Department of Education Recommendations (“Building on Results”) and
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not the additional costs of meeting NCLB’s proficiency goals.

- The US Department of Education should state unambiguously the restrictions and expectations placed on states for accepting NCLB money.
- States should cease being coerced into NCLB participation and the penalties for non-compliance should be discontinued.

SUMMARY

The United States Department of Education’s recommendations for the reauthorization of NCLB are based on an assumption that the 2002 iteration of the Elementary and Secondary Education Act (which is technically what NCLB is) is a highly effective standards-based reform whose success warrants an expansion of its current concepts and reach.

1. The Department’s proposal, if enacted, would:

- **Expand the standards setting requirement into high schools and require 2 additional years of testing.**
- **Expand the testing regimen into new subject areas.**
- **Expand AYP calculations to include performance on science assessments**
- **Expand requirements on states to report to the Secretary of Education.**

2. The Department’s proposal would preempt state laws regarding:

- **the regulation of Charter Schools**
- **the regulation of voucher laws**
- **collective bargaining agreements with teachers.**

3. The Department’s proposal promises greater flexibility and “waivers” to address widely acknowledged structural deficiencies in the law such as the insufficiencies of AYP as an accurate and meaningful measure of student performance and the discrepancies between the NCLB and IDEA. Prior efforts to address these issues through the waiver approval process have exposed a highly regulated, arbitrary and inconsistent process that has left states bewildered by the decisions of the Department. Comprehensive statutory NCLB reforms are preferable to piecemeal waiver and regulatory changes for most state and local officials.



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas



Joint Statement of the National Conference of State Legislatures and the American Association of School Administrators on ESEA Reauthorization

Introduction

The National Conference of State Legislatures (NCSL), representing 7,300 state legislators and the American Association of School Administrators (AASA), representing 14,000 school administrators, offer this joint statement for improving elementary and secondary education through reauthorization of the Elementary and Secondary Education Act (otherwise known as No Child Left Behind). The statement has three major components. The first emphasizes the organizations' strong commitment to a workable state-federal-local approach, one that reaps the advantages inherent in a healthy and constructive federal system. The second calls for full federal funding of the costs imposed on state and local governments for complying with the requirements of federal education law. The third offers practical recommendations, based on the day-to-day experiences of state legislators and school administrators with No Child Left Behind, for fixing the current law.

THE FEDERAL ROLE IN IMPROVING K-12 EDUCATION

NCSL and AASA believe that the primary responsibility for determining educational methods and strategies resides at the state and local level, consistent with state and federal constitutions and the U.S. Department of Education Organization Act. The fundamental role of the federal government in education is to help ensure equal educational opportunity for each child by helping states and school districts overcome economic and social barriers through research and targeted resources. The U.S. Department of Education should fulfill its role as a national center for diagnostic data collection and scientific research and through that research and data analysis help states and school districts improve educational opportunities for all students. NCSL and AASA believe that Congress should create a revitalized state-federal partnership that focuses on results, not on processes, and fosters accountability without stifling state and local innovation:

- The federal government should supplement and support rather than dictate state efforts in education. NCSL and AASA insist that the decision-making role of the federal government in public education should be proportional to its financial contribution to the K-12 endeavor.

- NCSL and AASA strongly feel that federal dollars are more efficient, effective and have longer-lasting effects when they are driven by formula through states to local school districts. Competition for grants (such as Reading First) often disadvantages those school districts most in need because of limited capacity for the grant-writing process
- NCSL and AASA believe that Title I should focus on providing states and school districts with meaningful support and capacity for improvement, rather than sanctions and required set-asides.

The chief tools used by the Department in the implementation of the provisions of ESEA 2001— coercion and compliance —have hindered policymakers and administrators from making the changes needed to help all students succeed and have stifled innovation. In addition, arbitrary ESEA program rules and guidance produced by the Department have resulted in inconsistent definitions and accountability plans negotiated in isolation. This practice has hindered states from learning from each other.

The U.S. Department of Education's process for state plan approval and amendment has not been uniform, transparent, deliberate, nor prompt. Waiver requests, both those approved and denied, have not been made readily available. NCSL and AASA believe that the federal statute should be amended from "allowing" the Secretary to approve to "requiring" the Secretary to approve innovative plan adjustments.

THE COST OF CLOSING THE ACHIEVEMENT GAP: COMPLIANCE VS. PROFICIENCY

Because funding for ESEA has never approached either the needed or promised levels, the requirements of the 2001 reauthorization constitute a significant cost shift to states and local school districts. The conditions on the receipt of federal K-12 funds are constantly in flux, creating unnecessary and unanticipated financial and bureaucratic burdens.

- Congress should require that GAO conduct a comprehensive study into the costs to states and local districts of complying with the administrative costs of NCLB as well as the costs of meeting the proficiency targets of NCLB.
- NCSL and AASA believe that Congress should increase federal funding as current levels, at best, meet only the compliance costs of NCLB, not the additional costs of meeting NCLB's proficiency goals.
- The U.S. Department of Education should state unambiguously the restrictions and expectations placed on states for accepting ESEA funds.
- ESEA's goal of 100% proficiency by 2014, while admirable, should be re-evaluated and examined as it is in practice unattainable, and puts states in the constant risk of litigation for not providing adequate resources for what appears to be an aspirational goal.

PRACTICAL RECOMMENDATIONS

Accountability: Adequate Yearly Progress (AYP) methodology is insufficient and inaccurate, with calculations systematically over-identifying schools as failing. Accountability determinations would be improved by ensuring states' right to use true growth models and multiple academic measures to accurately track student performance.

NCSL and AASA believe that Title I should support flexibility for states and school districts in using a variety of standards-based assessment and accountability systems that measure the academic progress of individual students, including value-added models, benchmarking models, computer-adaptive assessments and instructionally sensitive assessments.

NCSL and AASA believe that ESEA should affirm the authority of states to differentiate levels of achievement when determining the application of appropriate rewards, sanctions and consequences.

Special Education and English Language Learners: NCSL and AASA believe that each special education child should be measured based on the child's individualized education program. Congress should recognize IDEA's foundation in civil rights law and acknowledge IDEA as the prevailing federal law regarding students with disabilities.

NCSL and AASA believe that students with limited English proficiency should be appropriately assessed in English, math and other subjects as per individual student needs and not subject to arbitrary determinations or deadlines. States should be allowed to set separate starting points and AYP projection paths for students with disabilities as well as English Language Learners.

Flexibility for States to Address Unique Schools and Districts: The federal government should recognize the unique circumstances present in rural and urban schools and provide incentives and flexibility for improvement in these school systems, rather than impose penalties and sanctions for failure to comply with the process requirement of the law.

Highly Qualified Teacher And Paraprofessional Requirements: NCSL and AASA believe that states and localities provide an overwhelming share of the funding for teacher salaries and should determine conditions for certification as well as the definition of "highly qualified."

The federal government could have a greater effect on student achievement by providing incentives to attract better teachers to challenging school districts, instead of creating burdens that exacerbate the supply of good teachers.

SHAPING THE REVITALIZED FEDERAL ROLE IN K-12 PUBLIC EDUCATION

Our federal system is predicated on a distrust of centralized power exercised arbitrarily from afar. The implementation of ESEA over the last five years has demonstrated that the nation is too large and complex for critical education policy decisions to be made so far from the actual practice of teaching and learning. The last five years have also demonstrated conclusively that a highly decentralized education system, consisting of 50 state statutes, 15,000 school districts and 92% of funding, cannot be effectively and efficiently run by the federal government.

NCSL and AASA are in agreement with many national organizations on the problems and fixes for the components of ESEA (accountability, assessments, teachers/educators, special populations) as are many members of Congress. Those issues are outlined in depth in the policy positions of both AASA and NCSL.

NCSL and AASA believe that while well intended, the current top-down federal education law focuses on process and compliance rather than on results. In order to change that focus, federal policymakers will not only have to fix the components of ESEA but will also have to take a realistic perspective on federalism. ESEA reauthorization without knowledge of and accommodation for the basic characteristics of the K-12 governance structure will ensure that ESEA remains a contentious and controversial reform that does little to accomplish its goal.

NCSL and AASA believe that when considering an appropriate role for the federal government in K-12 education, federalism should not be an abstract principle subject to a philosophical debate, nor should it be an afterthought. Federalism should be viewed as a practical framework within which the structure of a reauthorized and revitalized ESEA can be built and can be successful.



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Key Recommendations from the NCSL Task Force on No Child Left Behind (NCLB) Final Report February 2005

Chapter 1: The Federal Role in Education Reform

- Congress should acknowledge that states have authority over education and are committed to the same goal of improving education and allowing every child to succeed.
- Congress should create a revitalized state-federal partnership that focuses on results, not on processes, and ensures accountability without stifling state and local innovation.
- Congress should amend NCLB in a way that eliminates direct federal regulation of local education agencies and limit its direct interaction to states.
- The US Department of Education should fulfill its role as a national center for diagnostic data collection and scientific research and dedicate more resources toward those services.
- Congress should create clear, unambiguous conditions that are placed on federal education funds, and limit the punitive financial consequences on states if they choose not to participate, thus, eliminating the use of coercion.
- Congress should request a GAO study on whether NCLB is an unfunded mandate in the way it requires states to spend their own money, or change their accountability systems to comply with the law.
- The US Department of Education process for state plan approval and amendment should be uniform, transparent, deliberate, and prompt, with waiver requests, both those approved and denied, made public.

Chapter 2: Adequate Yearly Progress: The Centerpiece of NCLB

- States should be granted the ability to use “value-added” or “student-growth” approaches in their accountability plans. These methods are a more accurate measure of student performance and will allow states to focus resources on the students and schools that have the most need.
- States should be allowed to use multiple measures in judging student performance. NCLB relies too much on testing, which is not an accurate measure of student performance, nor does it adequately identify under-performing schools.
- States should be allowed to use their own accountability systems to comply with the “spirit of the federal law.” AYP methodology is inferior to many plans developed by states prior to NCLB and improperly identifies schools as failures due to the multiple opportunities the law creates for failure.
- Schools should be identified by AYP only after the same subgroup misses proficiency in the same subject for two consecutive years.
- Districts should be identified by AYP only after they miss proficiency in the same subject across multiple grade spans for two consecutive years.
- The US Department of Education should allow for greater flexibility in how schools, districts and states count students who could be included in multiple subgroups, the formula states must use in calculating test participation, and report graduation rate requirements for students who pursue alternative education paths.
- States should be allowed to determine the order of consequences imposed on a school or district that does not make AYP.
- Receiving schools should be allowed to exempt students taking advantage of the school choice option in order to give that school time to improve the student’s performance before they are held accountable to AYP. Currently, there is a disincentive for schools to accept students wishing to transfer.
- To focus NCLB money on the students in most need, states should be allowed to use Title I funds to provide intervention services to failing subgroup(s) and low-income students only. If those resources are not used, states should be allowed to redirect them to other programs that serve disadvantaged students.
- To better address school weaknesses, supplemental tutoring services should only be provided in the subject area that causes that school to miss AYP.

Chapter 3: AYP- Students with Disabilities and Limited English Proficiency

- In situations where the Individuals with Disabilities Education Act (IDEA) and NCLB conflict, Congress should recognize IDEA as the prevailing federal law regarding students with disabilities.
- States should be granted the flexibility to determine the percentage of special education students who are best tested at their ability level, rather than their grade level, based on individualized education plans (IEP).
- States should be allowed to set separate starting points and AYP projection paths for students with disabilities.
- States should have discretion to determine when to administer native-language tests to students with limited English proficiency and when to use English-only tests.
- NCLB should be amended to allow special education teachers who teach multiple subjects to meet the definition of “highly qualified” without having to prove content knowledge for each academic subject they teach.

Chapter 4: Flexibility for States to Address Unique Schools and Districts

- The federal government should recognize the unique circumstances present in rural and urban schools and provide incentives and flexibility for improvement in these school systems, rather than impose penalties and sanctions.
- Any flexibility granted to rural districts or schools should include a broader definition of “rural” than the definition used by the US Department of Education in the February 2004 announcement related to highly qualified teachers.

Chapter 5: Highly Qualified Teacher and Paraprofessional Requirements

- States should be allowed to create an evaluation system for teachers who teach multiple subjects, and allow teachers who pass this standard to meet the definition of “highly qualified” under NCLB, rather than require teachers to repeat certification for each individual subject that they teach.
- The federal government could have a greater affect on student achievement by providing incentives to attract better teachers to challenging school districts, instead of creating burdens that exacerbate the supply of teachers.
- States should be allowed to determine the conditions under which exceptions can be granted to meeting the definition of “highly qualified.”

Chapter 6: The Cost of Closing the Achievement Gap: Compliance vs. Proficiency

- Congress should request that GAO conduct a comprehensive study into the costs to states and local districts of complying with the administrative costs of NCLB and the costs of meeting the proficiency targets of NCLB.
- Congress should recognize the relatively nominal impact the “historic” increases in federal funding have on aggregate K-12 expenditures.
- Congress should increase federal funding as current levels, at best, meet only the compliance costs of NCLB, not the additional costs of meeting NCLB’s proficiency goals.
- NCLB’s goal of 100% proficiency by 2014, while admirable, should be re-evaluated and examined as it is in practice, unattainable, and puts states in the constant risk of litigation for not providing adequate resources.
- The US Department of Education should state unambiguously the restrictions and expectations placed on states for accepting NCLB money.
- States should cease being coerced into NCLB participation and the penalties for non-compliance should be discontinued.

HILLSIDE PUBLIC SCHOOLS

Serving the Community of Hillside Township, New Jersey

*Raymond Bandlow, Ph.D.
Superintendent of Schools*

April 30, 2007

Hon. Craig A. Stanley, Chair
Education Committee
New Jersey General Assembly

Dear Chairman Stanley and Members of the Assembly Education Committee:

When *No Child Left Behind* became the law of the land in 2001, it made “strange bedfellows” out of two competing visions. One vision was the well-intentioned idealism of a generation of school reforms concerned about minority and disadvantaged children stuck in poor-performing schools. The other vision was not so noble. It was the profit-driven motive of private education companies who have long coveted public monies. We should not be surprised that the result has been a disaster for public education and for public school children.

Is there anything good about NCLB? Yes. Quite simply, its value is that it shines the spotlight on disadvantaged children, children with disabilities, and other children who may have been poorly served. That’s all that can be said about the good of NCLB. A whole lot more can be said about the devastating impact it’s had on schools and school children.

NCLB as written and as implemented by the states does far, far more harm than good. Instead of providing support and resources to schools that serve children who are low-performing, it punishes schools, wastes instructional time with an over-emphasis on testing, sucks up energy and attention through burdensome bureaucratic processes, and takes resources away from them.

First, let me speak about the idealism of NCLB’s goal, achieving 100% proficiency for all students. As superintendent of an urban school district, I truly understand the importance of encouraging children and schools to have high aspirations. As school leaders, we wield the power of high aspirations every day to inspire youth and to demand high performance from our principals and our teachers. But setting unrealistic and unattainable goals and telling dedicated professionals they will be punished if they do not attain them is doing great harm to everyone involved.

Teachers and principals, including the best and brightest of them, have no respect for a law that they know was designed to set them up for failure.

Think about it. Let’s get 100% proficiency by making it a law! If it’s that simple to legislate proficiency, why don’t we legislate health, too? It seems to me that if we apply the same logic to health care that NCLB does to schools, we could pass a law that says 100% of our children should enjoy good health. And if they don’t, we would cut funding to the hospitals that treat them.

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Is that a ridiculous metaphor? No more ridiculous than what NCLB does to schools. Allow me to give you a few examples of what that logic looks like in practice. In Hillside, the George Washington School serves some 300 children in grades 3-6. Fifty-two percent of them are not only new to the school this year; they are also new to the Hillside Public Schools. Almost every single one of these children came to us having tested as “not proficient” in the school they attended last year. Under NCLB rules, their test results do not “count against us” for making Annual Yearly Progress (AYP) in the first year, but they will in the following years.

Teachers and administrators at the George Washington School are doing a fantastic job of taking low-achieving children and helping them make impressive gains. But with a constant influx of new, under-achieving students, it will take a miracle for this school to ever get off the “needs improvement” list. Students who come into a school district working below grade level should not be counted toward AYP until they’ve been in that district for three years, not just one. This would give children and their teachers an honest chance to catch up.

NCLB leaves a lot of children behind, especially disadvantaged children and children who are not native English speakers, not by ignoring them, but by treating them unjustly and unethically -

- Children with learning disabilities who cannot succeed at grade level are tested at the same level as children without disabilities. Are we to be surprised that many of them fail?
- Many children come to the U.S. speaking little or no English. But we are required to test them in English. Yes, they are exempt from the Language Arts test for one year, but they must take the math test, much of which is in the form of “word” problems. How many members of the Assembly Committee (or how many school superintendents) could pass a test in Chinese if they do not speak Chinese?

We have seen small children become so frustrated when forced to take these tests, tests they cannot possibly understand, that they break down and cry! Why would anyone think this is good public policy? No child who comes to us speaking little or no English should be required to take these tests before being enrolled in our schools for three years.

This is why NCLB should be repealed. We are making progress in the Hillside Schools and our progress is being impeded by this law. Attachment A shows how much our math scores have improved in the last six years. Notice that in 2001, only 32% of our fourth grade children were proficient in math. Last year, 76% of them were, more than double. In 2002, only 45% of our second grade children were proficient in math. Last year, 86% of them were. That’s a real, true success story.

Although five of our six schools have been placed on the failing list in the last few years, all but one of them – the George Washington School I cited - have shown so much improvement

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in test scores that they've earned their way out of the forum of public humiliation. Our student achievement has risen remarkably, but not because of NCLB. Its supporters like President Bush are constantly taking credit for our hard work and our success. But no credit is due them. We've succeeded despite NCLB. Here's why I make that statement as a matter of fact.

Under NCLB, our schools have been granted less money every year. Every year, our NCLB funds have been slashed further while testing requirements have grown and grown. In 2001, we received \$701,575. This year, that figure was \$453,468, a 35% reduction (see Attachment B)!

What does the loss of a quarter of a million dollars a year mean to children in Hillside? Because NCLB took funds away from us that we desperately need, Hillside has -

- Reduced the number of Title I teachers servicing students
- Reduced teacher training in mathematics and language arts that would help our teachers teach more effectively
- Cut support and services for schools in need of improvement from \$118,000 to under \$20,000
- Cut support for training in technology
- Cut funds for counseling children and helping them learn to resolve conflicts without resorting to violence
- Cut funds to combat substance abuse
- Cut funds for family math nights, Saturday tutoring, and SAT preparation classes
- Cut funds for a high school tutoring program that served students who had failed the eighth grade state test.

Regarding that last item, high school tutoring is so critical and can be so effective. Of the 24 students in Hillside who completed this two-year "academy," 22 are on track to graduate, a graduation rate of 92%. Remember, these are all students who failed in the eighth grade! This program and the others cited above have been taken away from our students because of NCLB.

In conclusion, please support the complete repeal or at least the complete re-direction of NCLB. Let's get a federal law for funding education that actually supports the efforts of schools to improve, rather than making our challenge more difficult. Please direct public funds for education to schools with low-performing children who desperately need more than what can be provided in the regular school day. It just seems to be common sense that if students are not succeeding, they need more resources, not fewer.

Sincerely,

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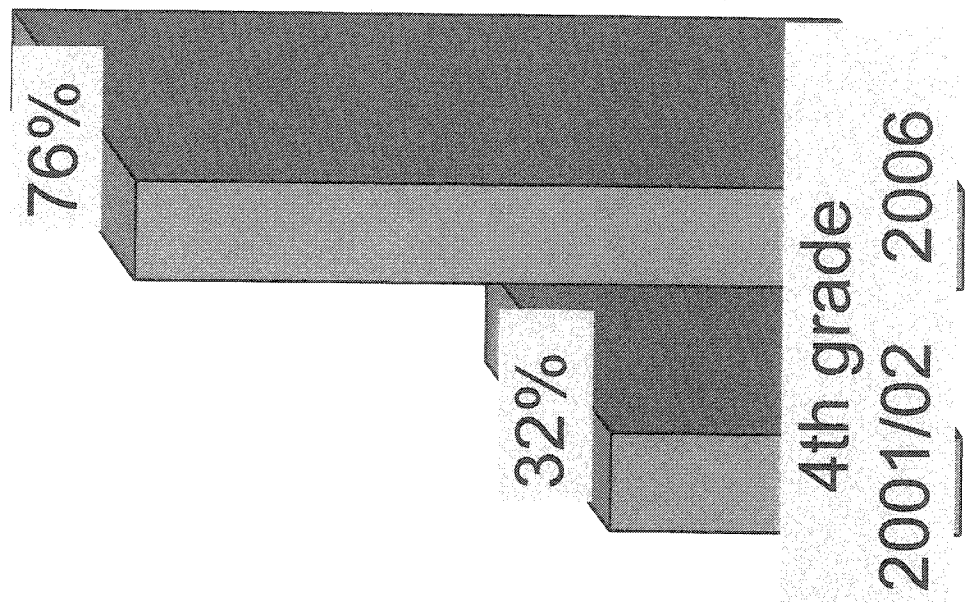
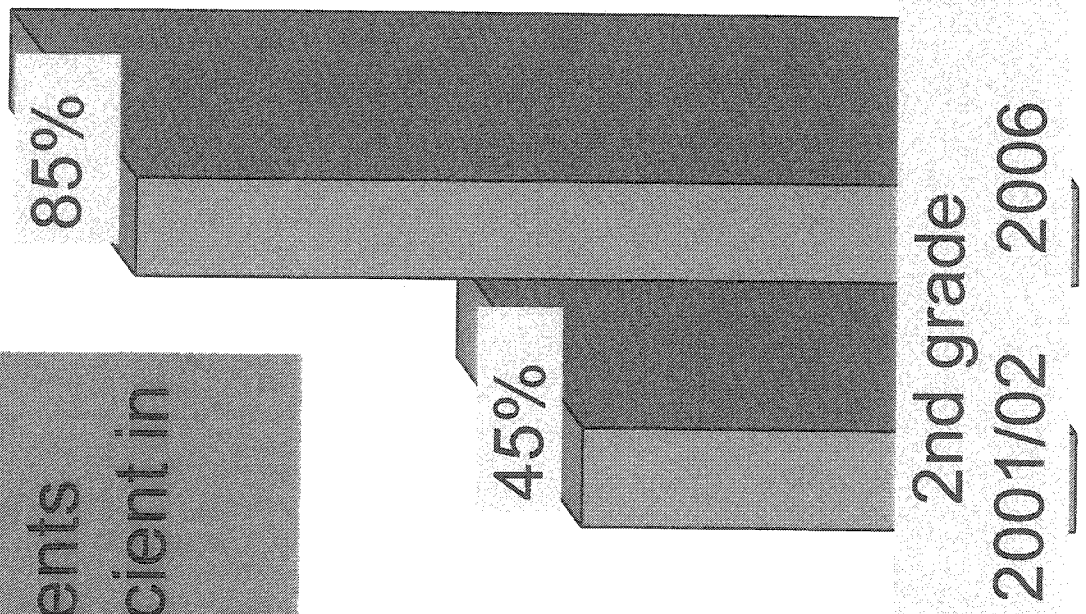
Superintendent of Schools

A

Per Cent of
Students
Proficient in
Math

Hillside Public Schools

90%
80%
70%
60%
50%
40%
30%
20%
10%
0%



B

HILLSIDE BOE
NCLB AWARDS
2003-2007

	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>
TITLE I	\$ 392,159	\$ 383,695	\$ 279,828	\$ 277,963	\$ 263,020
TITLE I SIA	\$ 118,000	\$ 25,592	\$ 46,400	\$ 45,525	\$ 19,268
TITLE IIA	\$ 110,768	\$ 107,951	\$ 107,277	\$ 108,836	\$ 108,461
TITLE IID	\$ 11,236	\$ 9,723	\$ 7,160	\$ 5,091	\$ 1,087
TITLE III	\$ 21,985	\$ 30,341	\$ 35,689	\$ 47,565	\$ 41,636
TITLE III IMMIGRANT			\$ 24,715	\$ -	\$ -
TITLE IV	\$ 18,393	\$ 15,658	\$ 12,506	\$ 13,146	\$ 10,891
TITLE V	<u>\$ 29,034</u>	<u>\$ 27,898</u>	<u>\$ 22,379</u>	<u>\$ 14,371</u>	<u>\$ 9,105</u>
	<u>\$ 701,575</u>	<u>\$ 600,858</u>	<u>\$ 535,954</u>	<u>\$ 512,497</u>	<u>\$ 453,468</u>

342

Contact:

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No Child Left Behind Legislation

The *No Child Left Behind* is one of the most controversial educational legislation in recent history. The *No Child Left Behind* legislation forced school districts around the country to evaluate if they were educating all students, not just teaching them. The *No Child Left Behind* legislation mandated there be a highly qualified teacher in every classroom, no one could be assigned to teach out of their certification. The *No Child Left Behind* legislation required paraprofessionals, educational partners in the classroom, to meet an educational standard measured by college credits, assessment or performance evaluations. All of the points mentioned above are issues we all agree on and we all believe in. So why is there controversy?

The American Federation of Teachers has offered the following recommendations for NCLB reauthorization.

Assessment and Accountability

- **Implement an accountability system that gives credit for progress and/or proficiency.**

Rationale: Currently, NCLB only allows a school to make adequate yearly progress (AYP) if a certain percentage of students overall, and a certain percentage of students in each subgroup, achieve an arbitrary level of proficiency. In practice, this means that even schools progressing significantly can be labeled as failing. This model adversely impacts schools with large numbers of disadvantaged students who start off academically behind. A system that gives credit for progress, in addition to proficiency, acknowledges the effectiveness of schools that improve even if they fall short of arbitrary proficiency benchmarks. Progress goals should be set at ambitious but attainable levels.

- **Create levels for making AYP that distinguish truly struggling schools from those that need limited assistance.**

Rationale: Currently, NCLB treats all schools that fail to make AYP the same in terms of intervention strategies. We need a system that distinguishes struggling schools from those that may need some assistance but are generally doing a good job of educating their students. A system that distinguishes schools that need a lot of assistance from those that need limited assistance will allow supports and financial resources to be appropriately targeted.

- **Prohibit unnecessary and duplicative student testing.**

Rationale: Many states and districts add NCLB requirements onto an already overburdened testing schedule. States and districts should be required to audit their testing programs to prohibit them from layering unnecessary and duplicative tests on schools. Too much instructional time in classrooms is taken up by testing that is redundant or fails to yield timely or useful information.

- **Reduce schools' exclusive focus on reading and math.**

Rationale: Research has identified serious unintended consequences of high-stakes testing in only reading and math. First, many districts are reporting a narrowing of the curriculum to only these subject areas. Second, much of the extended time for reading and math instruction is devoted to test preparation drill instead of high quality reading and math instruction. Accountability should not drive schools to reduce meaningful instruction in curricular areas that are not included in high-stakes accountability systems. If students are very far behind, they should be provided opportunities for additional intensive math or reading instruction beyond that available during the normal school day or year.

- **Require that assessment data be provided to teachers and parents in a timely and user-friendly manner.**

Rationale: Any assessment should provide educators useful data to inform instruction. Requiring that test score data be reported to teachers and parents in a timely and coherent manner will improve the quality and quantity of instruction. In order for teachers to tailor their instruction, they should

receive assessment data reports on their students' academic strengths and weaknesses before the beginning of the school year.

- **Include English language learners (ELLs) appropriately in assessment and accountability systems.**

Rationale: Research indicates that it takes five to seven years for an ELL student to fully acquire the English language skills to perform academically with their non-ELL peers. Yet the law requires that ELLs be assessed and included in AYP calculations well before they have reached English language proficiency. While the law allows states to develop native language or linguistically modified assessments for ELL students, most states are not doing so. The law should require states to develop native language and linguistically modified tests and to provide guidelines for school districts on these tests and on appropriate accommodations for ELL students.

- **Include students with disabilities appropriately in assessment and accountability systems.**

Rationale: Students with disabilities, by definition, need special accommodations and supports to access the state defined standards and assessments. Individualized education plans (IEPs) should determine how students participate in state academic assessments, including alternate assessments, modified assessments, or assessments with accommodations. IEP teams should be provided professional development on how to determine appropriate assessments. Students participating in modified or alternate assessments should not be limited by an arbitrary federal percentage. Furthermore, inclusion of students with disabilities in general education settings should not preclude them from appropriate assessments.

School Improvement Interventions

- **Provide schools and districts the resources and the flexibility to implement research-based interventions.**

Rationale: NCLB's current school choice, supplemental educational services, and other "school improvement" provisions are punitive, ideological, not logically sequential, and neither research nor evidence-based. The first response to a struggling school should be systemic supportive interventions tailored to the needs of the school and its community. Struggling schools

need a broad range of complimentary interventions, and they need research-based professional development, expertise, and supports to fully implement those interventions. Some proven interventions include strategies, instructional practice and materials that are research-based such as summer school, extended school day, reduced class size, and access to early childhood programs.

- **Interventions for schools that have not made AYP should be targeted to those students in the school who are not proficient.**

Rationale: Focusing exclusively on those children who are not proficient allows a school to customize its research-based interventions to the students who need them most. Furthermore, allowing a range of research-based interventions corresponding to academic performance will allow schools to target supports and services where they are necessary to improve student achievement.

- **Schools that receive help over the years and continue to decline need to be redesigned.**

Rationale: As we take accountability seriously, we must do the same in dealing with failure. After schools have received meaningful support and interventions and continue to decline or not improve, they should be closed in an appropriate manner and redesigned as a new school with a real chance to succeed. Currently, some states and districts are resorting to unproven alternatives to deal with long-term failing schools, such as takeover from private management companies and wholesale conversion 4/27/2007 to untested charter school models. Yet, school redesign that works has been demonstrated in several places around the country. For example, intensive interventions such as those implemented in the former Chancellor's District in New York City included a longer school day, reduced class size, highly structured curricula and intensive reading and math instruction, targeted small group instruction, salary incentives to attract and keep high quality staff, and regular diagnostic assessment of student progress. These interventions work in tandem to increase student achievement.

- **Allow schools to continue to receive interventions for at least three years after they have exited the "in need of improvement" category.**



Rationale: Interventions that have proven to work at a school must be maintained when the school improves. Provided that the current punitive, ineffective interventions are substituted by research-based interventions that help struggling schools, these interventions should continue. Schools are fragile organizations; once they achieve, they need the continued supports to solidify their accomplishments; and, they need the financial resources to continue the successful interventions.

- **Require states to develop a "learning environment index" for all schools and mandate that districts and states address the problem areas identified by the index for schools not making AYP.**

Rationale: NCLB has established high-stakes consequences for staff and students, yet many of the schools not "making AYP" do not have adequate facilities, safe conditions, teacher retention policies, and the financial and professional supports necessary to succeed. The gap in achievement is often a reflection of the gap in conditions. In a meaningful accountability system, all parties within the system should share responsibility. The learning environment index should identify and measure teaching and learning conditions in each school that are known to contribute to increased student achievement. Schools that fail to make AYP would be required to show improvement on their learning environment index, and states and districts would be required to provide the resources to ensure that schools address the teaching and learning conditions identified for improvement. This would be a first step in shared responsibility in student learning.

Staffing Schools

- **Require districts to develop incentives to attract and retain qualified teachers in low performing schools, including increased compensation, improved working conditions, meaningful professional development, a safe environment, and other instructional supports.**

Rationale: The data on school district reform shows that teachers are attracted to—and continue to teach in—academically challenged schools when appropriate supports are provided to them. Two examples are the former Chancellor's District in New York City and Charlotte-Mecklenburg schools in North Carolina. The Chancellor's District significantly outperformed similar schools in the rest of the City, and Charlotte-Mecklenburg schools have steadily improved test scores over a number of

years while simultaneously closing their achievement gap at a rate faster than their state average.

- **Refocus the law on improving the quality of instruction by incorporating research-based professional development and curricular supports for teachers and paraprofessionals.**

Rationale: The debate over NCLB has focused on issues other than quality instruction. Research repeatedly points to the centrality of teacher quality in student achievement. This professional development should be systemic, embedded, teacher-driven, focused on student needs, based on state or district standards, and inclusive of opportunities for practitioner input into its design and delivery.

- **Require that paraprofessionals be provided in-service and preservice training and professional development that fully prepares them to support instruction in the classroom.**

Rationale: NCLB currently provides three options for meeting education requirements, but fails to mandate the delivery of, or participation in, professional development for paraprofessionals. The minimal professional development recommendations in the law are not required to be job-specific or aligned to the skills and knowledge required to perform the job. Thus, recently hired and new paraprofessionals, despite the fact that they have acquired a certain number of college credits or passed a specific test, still do not receive the training and professional development they need.

Funding and System-wide Accountability

- **Offer grants for voluntary consortia of states to develop common academic standards, curriculum, and assessments to provide more consistency in the definition of proficiency and growth across participating states.**

Rationale: Currently, 50 states have 50 different sets of standards and assessments. This demonstration project would be a step toward greater consistency. This initiative also would allow states in the consortium to pool their resources and develop appropriate assessments that align with the regular state assessments for English language learners and students with

disabilities, as is currently allowed but rarely done due to limited state resources.

- **Ensure that state accountability systems are fair and accurate measures of student progress and achievement.**

Rationale: Currently, states submit accountability plans and assert that the state standards are rigorous and the tests are valid, reliable, and aligned to the standards and curriculum. They use various methods and statistical procedures to set cut scores and to determine if schools and districts have made AYP. This process lacks transparency, and, as some states are granted waivers or other allowances while others are not, it also lacks credibility. A study of state accountability system, including standards, curriculum, and assessments, by a group such as the National Academy of Science, would strengthen the enterprise and provide credibility to the system.

- **Fund NCLB at the level promised in the 2001 reauthorization.**

Rationale: As of January 2006, the *difference* between the amount that Congress promised for NCLB programs and what it has actually provided for these programs is \$40 billion. This is money that could have been spent on underserved and unserved students by reducing class size, offering proven interventions to schools that most need assistance, developing mentoring and induction programs, providing resources for turning around low performing schools, and other services to achieve the goals of NCLB. Current funding is not enough to serve all eligible students, and many of those students being served are not being served sufficiently, particularly in districts with the greatest concentrations of poverty.

**No Child Left Behind
Summary of Testimony
Donna M. Chiera
Perth Amboy Federation/AFT**

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- Create levels for making AYP that distinguish truly struggling schools from those that need limited assistance.
- Prohibit unnecessary and duplicative student testing.
- Reduce schools' exclusive focus on reading and math.
 - Require that assessment data be provided to teachers and parents in a timely and user-friendly manner.
- Include English language learners (ELLs) appropriately in assessment and accountability systems.
- Include students with disabilities appropriately in assessment and accountability systems.

School Improvement Interventions

- Provide schools and districts the resources and the flexibility to implement research-based interventions.
- Interventions for schools that have not made AYP should be targeted to those students in the school who are not proficient.
- Schools that receive help over the years and continue to decline need to be redesigned.
- Allow schools to continue to receive interventions for at least three years after they have exited the "in need of improvement" category.

- Require states to develop a "learning environment index" for all schools and mandate that districts and states address the problem areas identified by the index for schools not making AYP.

Staffing Schools

- Require districts to develop incentives to attract and retain qualified teachers in low performing schools, including increased compensation, improved working conditions, meaningful professional development, a safe environment, and other instructional supports.
- Refocus the law on improving the quality of instruction by incorporating research-based professional development and curricular supports for teachers and paraprofessionals.
- Require that paraprofessionals be provided in-service and preservice training and professional development that fully prepares them to support instruction in the classroom.

Funding and System-wide Accountability

- Offer grants for voluntary consortia of states to develop common academic standards, curriculum, and assessments to provide more consistency in the definition of proficiency and growth across participating states.
- Ensure that state accountability systems are fair and accurate measures of student progress and achievement.
- Fund NCLB at the level promised in the 2001 reauthorization.

ADDITIONAL APPENDIX MATERIAL

SUBMITTED TO THE

**ASSEMBLY EDUCATION COMMITTEE
for the
APRIL 30, 2007 MEETING**

Submitted by David Shreve, Federal Affairs Counsel, National Conference of State Legislatures:

“Delivering the Promise: State Recommendations for Improving No Child Left Behind,”
National Conference of State Legislatures, February 2005, © 2005, www.ncsl.org