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# Committee Meeting

of

## ASSEMBLY EDUCATION COMMITTEE

*"Testimony from invited guests on the implementation  
and impact of the No Child Left Behind Act of 2001"*

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**LOCATION:** New Jersey Institute of Technology  
Newark, New Jersey

**DATE:** April 30, 2007  
10:00 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Craig A. Stanley, Chair  
Assemblywoman Joan M. Voss, Vice Chair  
Assemblywoman Oadline D. Truitt



**ALSO PRESENT:**

Kathleen Fazzari  
*Office of Legislative Services  
Committee Aide*

R. Thurman Barnes  
*Assembly Majority  
Committee Aide*

Natalie A. Collins  
*Assembly Republican  
Committee Aide*

***Meeting Recorded and Transcribed by***  
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## TABLE OF CONTENTS

	<u>Page</u>
Robert A. Altenkirch, Ph.D. President New Jersey Institute of Technology	1
Congressman Donald M. Payne District 10	4
Janet D. Chavis Director No Child Left Behind Office of Title I Programs Newark Public Schools	21
Tahirah Cooper Project Specialist Representing Senator Frank R. Lautenberg	35
Judy Savage Executive Director New Jersey Council of County Vocational-Technical Schools	39
Eugene Catanzaro Coordinator No Child Left Behind Burlington County Institute of Technology	43
David Shreve Federal Affairs Counsel National Conference of State Legislatures	51
Raymond Bandlow, Ph.D. Superintendent Hillside Public Schools	76
Zende L. Clark Director Secondary Education Hillside Public Schools	81

## TABLE OF CONTENTS (continued)

	<b><u>Page</u></b>
Frank Digesere Superintendent Bloomfield Public Schools	82
Albert J. Joy Director Government Affairs Irvington Public Schools	86
John M. Rodecker Superintendent Perth Amboy Public Schools	89
Donna M. Chiera President Perth Amboy Federation American Federation of Teachers	89
Lev D. Silberman (phonetic spelling) Private Citizen	98
<b>APPENDIX:</b>	
PowerPoint presentation, plus attachments submitted by Janet D. Chavis	1x
Testimony submitted by Judy Savage	24x
PowerPoint presentation, and “Delivering the Promise: State Recommendations for Improving No Child Left Behind,” plus attachments submitted by David Shreve	27x

## **TABLE OF CONTENTS (continued)**

### **APPENDIX (continued):**

	<b><u>Page</u></b>
Letter, plus charts addressed to Assemblyman Craig A. Stanley from Raymond Bandlow, Ph.D.	162x
Testimony submitted by Donna M. Chiera	168x
lb: 1-39 rs: 40-102	

**R O B E R T   A .   A L T E N K I R C H ,   Ph.D.:** (speaking off microphone) I'd like to welcome everyone to NJIT.

My name is Bob Altenkirch, and the President here. And the Chairman asked me to welcome everyone. And I'm really glad to have our facilities used by public events such as this. We do it often. And we try to provide as good a hospitality as we can.

I noticed that one young lady over here has some food -- the food in the cafeteria is great. Avail yourself of that.

If you haven't been to NJIT recently, take a walk around the campus. We have spent a lot of time improving the physical environment of the campus, as well as the sort of quality-of-life issues on the campus, in general.

So welcome. And I'm going to turn it over to Chairman Stanley on this very important topic that takes a look at the impact of No Child Left Behind.

So thanks for coming.

**ASSEMBLYMAN CRAIG A. STANLEY (Chair):** Thank you very much, Dr. Altenkirch. It's certainly great to be at the New Jersey Institute of Technology, one of the premiere institutions not just in the State of New Jersey, but in the country. Certainly, I don't believe there's any finer leadership in an institution of higher learning than Bob Altenkirch and his leadership team here -- have done extraordinary work. And if you've read any of the commentary on colleges and institutions of higher learning in the country, you'll know that NJIT is certainly a nationally ranked institutions. So we can be very proud of the work that they've done,

and certainly happy to be here. And they've always been very hospitable, and we certainly appreciate them lending their facilities to us here.

As someone who's been around the country with respect to education -- higher education, as well as K-12 -- it's very important -- the partnerships between K-12 and higher education, to improve outcomes in the education of the entire constituency; of the entire country for that matter.

Let me thank the members of the Committee for taking time out to come and participate in this hearing. Many of you know that New Jersey residents, the New Jersey State Constitution, and the New Jersey Supreme Court have put a tremendous emphasis on education and the need for quality education for every student, every child in the state.

The State of New Jersey is currently working on a number of things that will hopefully improve performance. One is New Jersey Quality Education Act -- actually, that's an old act actually, QEA. But the QSAC, which is the Quality Single Accountability Continuum, which is actually a measurement of performance in schools, is something that we're in the process of implementing, and just implementing -- rolling it out to the districts in the State now.

We're also working on a new school funding formula, which will hopefully look at and analyze the actual cost of providing a thorough and efficient education to all students in the State of New Jersey. And many of you know that No Child Left Behind Act has had a tremendous impact on a number of these items, on all of these items. It's had an impact on accountability. It's had an impact on funding, as I'm sure some of you

today will testify. And it has certainly had an impact on quality and quality assessment.

So we want to make sure that we have the best information possible. Right now, No Child Left Behind is up for reauthorization in Congress. We want to make sure that our congressional delegation has an opportunity to share with us information regarding the reauthorization of the act; as well as have an opportunity to hear some of the comments of some of the people who have been working on No Child Left Behind, and some of the folks in the front lines, like yourself, who were given the charge of implementing this law, which has created a lot of controversy.

But one of the good things I can say about No Child Left Behind is at least it's put a strong focus on accountability. It's put a strong focus on achievement, in making sure that students don't fall through the cracks. So that's the positive of it. And then there are a number of things that we need to change so that the implementation mirrors the great slogan, the great title, of No Child Left Behind.

So without taking any additional time, I certainly want to thank David Shreve, from the National Conference of State Legislatures, who is the chief staff person on Federal education issues; and Diana Hinton, who is also a staff person from the National Conference of State Legislatures. And David, I might add, originally staffed and, actually, continues to staff the Task Force -- which I was on -- that consisted of a number of legislators from around this country who were charged with looking at the No Child Left Behind Act, and working with the Federal Government to come up with some changes in their regulations, and

ultimately changes in the legislation -- to improve the Act and make the Act more user-friendly, and certainly ensure that the Act lives up to its promise.

I want to thank Congressman Payne, personally, for coming today. We never are given much notice about these hearings. Because once it's an idea, then it takes about two weeks or three weeks to just get it approved. And by the time you have your approval and notice goes out, it's somewhat short notice.

But I do want to thank our staff person, Thurmon Barnes, for coming; and also Natalie Woods -- no that's not Natalie Woods-- Natalie Collins for coming out -- the Republican staff person -- for coming out today as well.

I'd now like to call up Congressman Payne to give us some remarks on the No Child Left Behind Act. And take a seat right at the testimony table there.

**C O N G R E S S M A N   D O N A L D   M .   P A Y N E:** (speaking off microphone) Do you want to hear from the other members of -- your other associates first?

**ASSEMBLYMAN STANLEY:** Oh, certainly.

Gee whiz, I thought I was a chairman. (laughter) Congressman Payne happens to be my uncle, also. So you know, when your nephew is up, you want to make sure they're doing everything right and appropriate.

The Congressman has said that he has a little additional time. We thought he was in a hurry, but since he does have time, maybe I'll have the Vice Chair, Assemblywoman Joan Voss, perhaps make a few opening comments.



ASSEMBLYWOMAN VOSS: Well, I'm very pleased to be here, and I'm very anxious to hear your comments on No Child Left Behind, because I certainly have my thoughts about it. And I was an educator for over 41 years, and I've been in every level of the -- education. And so I know, because I spent most of my career in the high school level, how important it is that we give the right education to our children. And there is not a one-size-fit-all type of education, and this is something that's of great concern to me. I think that we very often put into effect some unrealistic or really unsound ideas because we want all of the children to do certain things; and we're all different, and we need different.

There's a wonderful book I keep recommending to people, called *The Seven Levels of Intelligence*, by Gardner. And in there, they make a statement that if Winston Churchill, Pablo Picasso, Albert Einstein were in our public schools today, they would all be labeled *special ed*. And so I think that it's very important that we hear your ideas. Because I know that the members of the Education Committee are very anxious to do what is in the best interest of our children to provide a thorough and efficient education for everyone.

And so, again, thank you for the opportunity of being here and thank you for coming. Because as I said, I really would like to hear what your ideas are and how you feel things should be going in New Jersey's educational program.

So thank you.

ASSEMBLYMAN STANLEY: Thank you, Vice Chairwoman Voss.

Assemblywoman Truitt, would you like to make an opening comment or any opening remarks?

ASSEMBLYWOMAN TRUITT: Good morning.

I would just like to say thank you to each and every one of you for coming. And it is crucial that we have these kinds of hearings so that we can hear from the people that we represent. And I echo everything that my colleagues, both Joan and Assemblyman Stanley, have said. It is very crucial because, as an educator, I recognize and understand that no two people have the same learning pattern. Everyone is different. And when we do look at-- We're here to educate every child as best we can. So, as she put it very kindly, every shoe does not fit the same mold. So what I say is, we have to look at this very closely; because what I don't like is how the good schools -- excellent schools that are supposed to be excellent according to normal standards-- But when you look at No Child Left Behind, their standards, in some cases, have been that those schools have fallen behind. They have not met that No Child Left Behind criteria. So it makes you wonder how valid is this No Child Left Behind procedure. So we have to look at that. And if possible changes have to be made, then this is what we have to do. But we need the input coming from the people who are actually in the field.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much, Assemblywoman.

The first person I'm going to call up is Janet Chavis, the--

Oh, and let me apologize. I really have to acknowledge, and certainly commend and thank, Kathy Fazzari of the Office of Legislative

Services. You know, OLS is the group that really makes the Legislature run; they're responsible for making sure that all of the Committee agendas are sent out. They're responsible for making sure that anything -- all the equipment and so forth, that we need to make a hearing like this go forward, is obtained and situated, and so forth. So Kathy Fazzari is with us, also. She is the Director (*sic*) of the Education Section.

Without any further ado, Congressman Payne, you have the floor.

CONGRESSMAN PAYNE: Thank you very much.

Let me certainly begin by commending you for holding this very important hearing, and your Committee Vice Chair Voss, and Assemblywoman Truitt, and Assembly -- for being here. Let me just say that I think that there couldn't be a better group of people involved in the Education Committee here in the Assembly of New Jersey.

Knowing you, Mr. Chairman, I know your interest in young people; the years of work with youngsters at the YMCA and your teaching, actually, as a professor also indicates your strong interest in young people. And I think that the State of New Jersey is very, very fortunate to have you as a Chairman. Of course, your Vice Chair is also a former teacher, and we had an opportunity to discuss the old days when we were -- I was a former teacher also, a little bit before all of you, though, and even your Vice Chair. I'm not saying we were teaching at the same -- started at the same time. I started a long time before she did, so I want to get that clear.

And of course, Ms. Truitt has been in education in the Irvington School system for at least 25 years. I had the privilege of speaking before one of her programs maybe 15 years ago, and do remember

and know of her strong interest. And I understand, also, Nellie Pou is a member of the Committee, and I hope she'll be able to get here also.

So, like I said, it's important that we have this hearing. And let me thank all of the people who came out to this hearing. Although you as legislators will hear a lot of complaints from your constituents, your boards of education, your teachers, and so forth; however, when they have an opportunity to give testimony, we do appreciate those who come. So we don't want to chastise them. But I think we really need to have more people involved so that when there is reauthorization, you can have a full picture of what the State of New Jersey's educational community wants. And so I do hope that you will get a chance to hear from most of the people involved in education in the State.

I'm, as I mentioned, a former teacher and a senior member of the Education and Labor Committee in the United States Congress, and did have some reluctance, as a matter of fact, at the inception, when the No Child Left Behind legislation was introduced. I had some concerns about the high stakes testing. I did realize that schools had different handicaps and to put everyone on the same level would be a self-fulfilling prophecy, because you could almost predetermine how scores would fall out. However, it was felt that there had to be some real attention, as the Chairman said, about education in our community. And although this legislation may not have been perfect, one thing it certainly has done -- it certainly has awakened, nationally, every state, just about every community about the fact that there were many, many problems currently in our educational system. And even though many persons oppose it and boards of education have problems with it, I think that over time it will improve

itself. And certainly, it was far from a perfect law. But as I indicated, there have been real achievements.

We also know that, as I have indicated, it's difficult to have a school district like the one-type-certainly-does-not-fit-all. We know that in schools there's a difference in the amount of funding, although Abbott in New Jersey has attempted to remedy that. Every state doesn't have Abbott, although many states, believe it or not, have moved into an Abbott mode of funding. There were even several that had done that even before New Jersey. I think it was Kentucky or Tennessee. North Carolina has really put a tremendous-- You should see what they've put in their education; it's unbelievable -- thinking it was a southern state.

And so I do know that the schools differ. Some areas need many new schools under the Schools Construction program. Some districts did extremely well; others did much worse. I know Elizabeth, which is in my district, I think they've built 12 or 13 new schools. I don't know, Newark might have had three, or four, or five, if that many -- Newark being about three times, maybe two times -- at least two-and-a-half times the size of Elizabeth. And I know that the schools in Newark, most of them were built before the 1900s. As a matter of fact, if you leave here, the Bruce Street School, right on the corner, was completed around 1870. And if you go up a little further, where I spoke at their graduation at Charlton Street School, it was finished in 1848. And so we have, in Newark, many schools that have 100, 150 years of age. And I know that there are other districts -- talking Passaic for a little bit -- and I know that there are problems even in the other counties.

So we're realizing that there is certainly differences that matter, and economics play a big role in how much a child is prepared to come to school. We know that we need to expand Head Start. We need to do more to get kids, who are not privileged enough to have a household where education is primary -- we know they come to school not prepared. They live in homes that may be cold at night or very hot in the evenings, or that may leak, or may have lead in it. And so there is no question that education is a very complicated system, and we know that there are tremendous problems.

And let me just also say that I think that teachers do an outstanding job. There's a lot of criticism to teachers but, by and large, I think that they're dedicated. I think they bring -- they absorb the problems of society. Many times they're the mother, the social worker, they're the policeman, and they're still expected to teach the youngsters. So let me make it clear, since all of my children are in education -- so I guess I have to do that, make sure they vote for me. (laughter) I don't want to talk badly about them and lose a vote or two. But seriously speaking, we know it's a tough job. Today it's even more difficult. Many laws, a lot of paperwork, we hear it all. However, we have to continue to move forward.

Okay, what is the state of education? Well, this year, the United States Congress is scheduled to reconsider reauthorization; and the bill will be reauthorized this year, I do believe -- the No Child Left Behind. As you may recall, it was in 2002 when this law signaled an important change in Federal education policy, by focusing on accountability for results rather than simple compliance, and by seeking to set the performance bar high for all children, regardless of their race or social/economic status.

Authors of No Child Left Behind also provided data on student achievement, which has raised our awareness of the quality of education being provided to students all across the country. The one thing it does is, it really puts the spotlight on all schools.

Each of us is now more acutely aware that our future depends on more than just our own children. (phone rings) Our future--

My time is up. (laughter)

ASSEMBLYMAN STANLEY: No, no, Congressman.

You have the floor.

CONGRESSMAN PAYNE: Our future--

ASSEMBLYMAN STANLEY: If I could just remind all the members of the audience, if you could turn off your cell phones or set them on vibrate so as not to be disruptive.

Thank you.

CONGRESSMAN PAYNE: Our future economic success and security in the world depends on the success of all of our nation's children. While No Child Left Behind sets us on a more productive course and spurred some improvements, it has not been enough. Why? Because far too many children are still not achieving to high standards in every state, and we are not yet making improvements in struggling schools as effectively or as rapidly as we had hoped to do.

For example, the National Assessment of Education Progress Report reveals that African-American 17-year-olds read at the same level as white 13-year-olds. The result of mathematics are just as disconcerting -- only 13 percent of African-Americans and 19 percent of Hispanic fourth grade students scored at or above the proficient level of the NAEP

mathematics test, compared to 47 percent of kids from the general population. So there is still a great big disparity in that category.

The picture for students with disabilities and English language learners is also alarming. Only 6 percent of eighth graders with disabilities scored at or above proficiency on the NAEP reading assessment, compared to 33 percent of students without disabilities. Only 4 percent of English language learners in the eighth grade scored at or above proficiency on the reading test in 2005.

We're also failing to ensure that our children are academically prepared to compete with international peers. Now, this is everybody in our country; even our best schools, supposedly, and our top students. Students in other countries consistently outperform even our top students on international tests. The international comparison for 15-year-olds performing in mathematics: American students score significantly lower than their peers in 20 out of 28 industrialized countries in the world. So we really have a challenge in front of us.

Contributing to this picture is the fact that there is an unacceptable level of high school dropouts. Reports show that 7,000 students drop out of school every day. More than 1 million students drop out of high school every year. Unconscionable -- we just can't have it. And that's where the crime statistics are -- 7,000 a day. And even some school districts have a hard time coming up with the true dropout rate. It's a very, kind of, daunting process to follow who has dropped out of school in some-- We have been finding that some have really not even been reporting it accurately, because it isn't easy. So 7,000 every day, 1 million students out of high school every year.



Even among those students who do manage to graduate and move on to college -- where close to half of them, when they get to college, are requiring remedial work -- 40 percent currently. I mean, that's from our best students to our worst. And so we really-- This means that we really have a serious problem. These are those going to college. Can you imagine where those who are not going to college are, as relates to being prepared for life in an increasing rigorous, global economy? Because as we know -- I came back from China about a week or two ago, and I'll tell you something: We're going to have to struggle to remain number one in GDP -- in gross domestic products -- and so forth, because that Chinese engine is really very, very hot. And so is it in India. Are we making progress? So that was the bad news. Yes, I mean we can be somewhat optimistic.

In light of the statistics, No Child Left Behind, in my view, is making progress. As abysmal as the data is, it represents improvement, believe it or not, for elementary and middle schools from where this nation was prior to the enactment of No Child Left Behind. So if nothing else, No Child Left Behind has stopped the tremendous slide that's been going on for a decade or two. And so it is a good thing that this legislation came into effect, even though it is leaving a lot of people with problems -- a lot of agita out there. But believe me, it has stopped the drop, the decline.

A report issued by the National Assessment on Educational Progress -- 2005 benchmark exams of fourth and eighth graders -- confirmed that progress is being made under No Child Left Behind. For example, one, the achievement gap between white and Hispanic fourth graders narrowed, reaching an all-time low in reading and matching its all-time low in math. So that means that there is an improvement. The whites have not dropped;

the Hispanic and black students have improved. Which shows that more concentration is going in where these children were really being left behind. So there has been an achievement gap narrowing. That's a good thing.

The achievement gap in the eighth grade math between white and African-American students, between--

(sound interrupts)

Does that mean I've got to stop again?

ASSEMBLYMAN STANLEY: No, no. (laughter)

CONGRESSMAN PAYNE: The achievement gap in eighth grade math between white and African-American students, between white and Hispanic students, also narrowed to its lowest point since 1990. So fourth and eighth -- so therefore we have to assume that in those in-between grades there's also improvement. The achievement gap between white and Hispanic students in eighth grade reading narrowed to its lowest point since 1998. The fourth grade reading, more progress was made from 2000 to 2005, up 6 points, than from 1992 to 2000, where it went down 4 points. Therefore, there was a 10-point swing since No Child Left Behind, in this five year period -- takes it a minus-6 to a plus-4 in five years. So there has been an improvement, a big improvement in the fourth grade reading level between Hispanics and whites. And the gains among Hispanics and African-Americans in the fourth grade math has been 13 points for Hispanics and 10 points for African-Americans, which is really showing tremendous growth.

In the fourth grade math, nearly as much progress was made from 2000 to 2005, up 12 points, as from 1990 to 2000, where it was up 13 points. So this is a little confusing, but in 10 years we went up -- in five

years, from 2000 to 2005, in the fourth grade, we've showed as much progress as was shown in 10 years prior to that. And in Hispanics, there was an 18-point increase in that five year period, and African-Americans 17 points. So they're, in both reading -- which were the first statistics I gave -- up, and in math -- this is in the fourth grade -- up. Since 2003, African-American and Hispanic fourth graders have made significant gains in both math and reading, as I mentioned. The statistics reflect progress, but to be clear, our nation still has a long way to go in ensuring that all students achieve levels.

Now, let me just go to recommendations. So things were dismal. No Child Left Behind has really awakened school districts all over the country, and the bottom line is that there is significant improvement in the children who were considered left behind primarily. Recommendations for reauthorization that we've seen so far -- but we're certainly going to be looking for recommendations from you out in the field -- but we've had a series of three or four hearings already in Washington this year, and we've had people from local school districts come to testify before us. And if we have any additional ones, I'd sort of like to get input from-- We've had New Jersey people, we've had people from Rutgers, we've had a number of Jersey folks there, and we will continue, though, to reach out to you all.

Since 2002, when No Child Left Behind became law, of course I've met with a lot of parents, and students, and administrators, and so forth so we could gain a better understanding of both the challenges and the successes, and to explore ways to best improve the law to ensure a quality education for all children. In speaking with these various groups, they expressed concerns about the need for highly effective teachers and

principals; the inflexibility Adequate Yearly Progress system provides; the need for full funding for No Child Left Behind; and the need for enhanced supplemental education services, among other things.

Number one, increased teacher and principal effectiveness. One of the areas where the current law did not accomplish its objectives has been in making sure that all children are taught by highly qualified teachers, and that schools have effective principals. I believe that the law needs to be expanded, and that it focuses on the effectiveness, rather than just compliance, to ensure that our teachers are not only highly qualified, but highly effective. That's a little different, you know. You could have the qualifications but -- you could have all the degrees in the world; if you're not effective, then you're still not providing what the children need.

While teacher quality is vitally important, research increasingly shows that the quality of school leadership is also critical to students in school performance. And believe or not, in No Child Left Behind, it says not one word about principals. A principal could, believe me, as a former teacher -- principals can make or break a school. I've seen schools that were the worst schools in the world. I knew Joe Clark. I don't mean you should go around beating people over the head with a baseball bat, but an effective leader can change a school. And so No Child Left Behind unwittingly left out the whole question of principals. So we know that high performing schools have principals who are effective leaders. Effective principals not only manage schools well; they attract, they retain effective teachers; they build supportive school cultures in which high achievement is cultivated. Therefore, we must work to ensure that all schools have highly effective teachers and highly effective principals. And like I said, there couldn't be a

more key element than the leader. If the principal is gone all the time or leaves before the kids, teachers will tend to do the same thing in a lot of instances; not all of them, but some will. You need to set the example.

A second thing that we looked at, that we believe is needed, is to mandate multiple measures of the school effectiveness in the annual yearly progress system. Another area that we must address is the flaw of the current Adequate Yearly Progress system. I know that many schools are making meaningful academic progress with students, but the current AYP system does not capture their gains. Therefore, I support amending the law to ensure that the determination of whether a school is effective in making the annual yearly progress is based upon more than a student's performance on a single statewide test. Instead, I think the law should allow school districts and schools to include progress on multiple measures -- such as local assessments, student portfolio assessments, graduation and dropout rates, and a percentage of students who take honors or other advanced courses -- in the overall determination of whether it is a successful school.

Third: We'd like to promote growth models for determining annual yearly progress. The current law does not allow schools to get credit for improving student achievement over time, nor does it allow schools to get credit for moving a student from a below basic to basic achievement level, or from proficient to advanced. The law only recognizes whether a certain percentage of students have scored above or below a cut score, not whether there has been gains in student learning. It also compares different groups of students each year, rather than following individual student learning gains. Many advocates have expressed that in order to provide a comprehensive picture of student achievement we should measure student

growth over time, rather than just assessing students at a single point in time when that exam is given. So I strongly support measuring student growth over a period of time.

Four: Promoting assessment systems that are appropriate for students with disabilities and learning -- and English language learners. We should consider expanding from one year to a maximum of three years the time for an English language learner, the ELL, to master English before being tested in English in core content areas. This change would be consistent with research findings regarding the average pace for English language acquisition. Students who become proficient in English in fewer than three years should be tested in English. Otherwise, to expect a non-English speaker to take a math or a reading test in a second language, which would be English, prior to achieving proficiency in that language, sets that student up for failure. So we definitely have to take a look and change that.

For students with disabilities, the No Child Left Behind reauthorization should encourage inclusion of these students in State assessment and accountability systems, but allow states to use grade level, appropriate, authentic assessments for special education students based on their individualized education program -- on their IED.

Five: To provide full funding for No Child Left Behind. To date, No Child Left Behind has been an unfunded mandate to states. Also-- I mean, it has not been fully funded where we think it should be. Also, everyone agrees that substantial additional resources are needed, and that the shortfall has grown significantly, since the law was passed, by approximately \$60 billion over the last six years. However, during the same six-year period, congressional budgets and appropriations have run up

enormous debt, and unfortunately, now that the Democrats are taking control, we have a tremendous debt with this war, which continues to drain a tremendous amount of funds. And even though we have more of an interest in assisting in education, we're going to have constraints because the war budget will continue even if the war ends. And that's tremendous. This year it's \$650 billion, not counting the emergencies, which will probably be another \$100 to \$150 billion this year. So we'll be spending probably close to \$750 to \$800 billion, approaching a trillion dollars a year for military. It's unbelievable. I mean, that comes to like \$3, \$4, or \$5 billion a week, maybe a billion or \$2 billion a day, for defense and war-related activities.

As a result, many groups raise concerns that schools which are struggling academically do not get the kind of help they need and don't get the help when they need it. Therefore, we must improve the quality and oversight of the supplemental educational services. Private entities participating in the SES, the supplemental educational services, must also be held accountable, just as the school is held accountable, for all student achievement, including students with disabilities and English language learners. You know, students have a right to go to these services, but the services are not held under the same scrutiny that the schools are, so there has to be some way of assessing these services.

Finally, reauthorization of No Child Left Behind is a top priority for the Congress. To date, the House Education and Labor Committee has had several hearings, as I mentioned, on various topics of the law. I remain committed to the core principle of No Child Left Behind. And the leadership, as we move forward to reauthorize -- we will certainly

work hard to address the challenges that I've mentioned; but that we will also gather, as the year progresses, information that you have that you want our Committee to consider.

Finally, let me say that I believe that access to a higher quality public education is a civil right for all children, and No Child Left Behind can play an important role in making that right a reality. Together we must strive to fulfill the promise of high achievement and success for every student in every school. And once again, I do commend this Committee for having this important hearing. For those of you who are coming here to testify, we will certainly look very carefully at what you say and do. We do know that, as I've indicated, that the law certainly needs to have adjustments. We know that it has created a lot of controversy in school districts. However, the controversy is good because what it is doing is saying that we can do better; because the statistics show that, as much as there's been pain, there has -- real improvement has been attained since this law has been enacted.

Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much, Congressman. (applause) I appreciate your testimony.

The next person I'd like to call up is Janet Chavis, the No Child Left Behind Director in Newark. Ms. Chavis.

Ms. Chavis, before you get started, I just want to acknowledge some of my staff members who are here also, who have played a tremendous role. I'll get in a lot of trouble if I don't acknowledge them in playing a great role in setting up this hearing. One if Colette Barrow, who is over there on the side there; and Chris James, who has been in and out,



but I guess he's out right now, probably doing some of the people's business. But thank you very much.

I certainly am glad that the largest school district in the State of New Jersey is able to participate in this hearing, and no better person than the Director of No Child Left Behind in Newark. Thank you very much, Ms. Chavis, for coming.

**JANET D. CHAVIS:** Good morning. On behalf of the Newark Public Schools, our Superintendent, Marion Bolden; Mrs. Nelms, our Deputy Superintendent; Dr. Griffin, the Assistant Superintendent of Teaching and Learning, I am truly honored to be here to speak to you, and I'm truly honored that I've been invited to discuss the implementation of No Child Left Behind in the City of Newark.

My name is Janet Chavis, and I've been in this position -- actually my anniversary is tomorrow, my third year anniversary. This has truly been a labor of love, a lot of growing pains, but a long arduous task making sure that we understand and we're able to implement the No Child Left Behind Act to the best of our ability.

I'm just going to take a minute to get settled.

The Newark Public Schools continues to move forward with the development of the No Child Left Behind Act program, as stipulated by the NCLB law. The district constantly monitors the key components of the NCLB law, such as student achievement, school improvement, supplemental educational services, and highly qualified teachers and professionals.

Great, okay. I'm going to begin my presentation with this quote because actually working with the No Child Left Behind Act, it has

forced us to actually look at things differently, to step back, to be truly reflective practitioners. And so I would like to begin with this quote because “If we want things to be different then, of course, the answer is to become different.”

My presentation overview will be to discuss the mandates for Title I schools. We will look at: Integrating essential elements; public school choice and how our district has been able to implement, and the challenges; supplemental educational services; the corrective action and district supports; highly qualified staff programs; planning for school improvement; keeping our parents informed; our next steps, CAPA recommendations and, of course, lessons learned.

Let me tell you a little bit about Newark. We’ve got 41,000-plus students, 77 schools. We’ve got elementary, we’ve got middle, we’ve got high school. We have schools that are middle and elementary; we have schools that are pre-K to 3. Our schools are in the continuum. Out of those 77 schools, 54 are Title I schools; 41 schools are SES schools, which means that they’re mandated to participate in the SES program. Additionally, we have corrective action, CAPA, schools. And at some point in the presentation, I will discuss the activities that we’ve put in place to support those schools. Additionally, there are more than 22 different languages spoken at home. We’ve got over 4,000 students in special education; and again, over 4,000 certified instructional staff. Additionally, we have over 700 paraprofessionals, and those comprise our classroom and our per diem aides.

Now, we know that the essential elements are composed of four pillars: Accountability for student performance; research-based education;

we have made every attempt to empower our parents with additional options; and then increased flexibility.

We'll begin with discussing our Summer mailing, to make sure that our parents are informed of the status of the district, the status of our schools. And this Summer mailing goes out as soon as we get our school data, our testing data. It generally goes out at the end of July, no later than the middle of August. It's mandated by the law that we let our parents know what their status is at that point. In addition, inside that packet -- and that is a mailer that goes out -- it contains information about supplemental educational services; it talks about the process of offering school choice to our parents. Let me just let you know that in order to make sure that our 44,000 -- 42,000, 41,000 parents get this information, it is quite a grueling and very arduous task, but we are able to do it.

The next item that I'm going to speak about would be our supplemental educational services program. It is very, very extensive. We were able to service, on an average this passed year, over 4,000 students in our supplemental educational program. Our program consists of support and options from 17 different vendors, and each vendor -- many of the vendors provide a variety of delivery options for our parents, such as Saturday, online, after-school. And we've got a number of students, primarily our special education students, that participate in the Saturday and in-home sessions.

Again, our SES program is driven exclusively by our parent choice. We hold an annual provider's fair in September. Initially, we were holding two providers fairs at different locations in the district. However, we found that it was more efficient and more cost-effective for us to have

one Saturday provider's fair. Over the last two years, we've implemented a software tracing database system to help manage attendance, to do our invoices. We monitor our students' IEPs through that program. We've been actually forced to almost create an additional office to manage SES, and it's growing as we speak.

These are some of the various vendors that have contracts with the Newark Public Schools. Our vendors are held to the highest standard that we could possibly hold them to. They must adhere to our district vendor contract. And let me say that Newark was one of the first ones to put in place a comprehensive contract in New Jersey. Many components of our contract have been lifted and incorporated into documents, recommendations for many of the other districts through the State Office of Title I. Our vendors are mandated to provide programs that support the New Jersey Core Curriculum Content Standards. We meet with them three times a year: Initially, to discuss and outline our expectations; to give them copies of the standards in the event that they don't have them; and to also make them aware of our own district curricula materials; and contacts that they may use so that they can understand where their program has to match and be in alignment. They are mandated to provide monthly reports to parents, and they are mandated to provide an end-of-the-year report to the district. And vendors will not receive final payment unless we receive the end-of-the-year report.

Our district is very aggressive in providing corrective action/supports to our schools. And so we have a number of schools that are in year 5, in year 6 status. And so what we've opted to do through our CAPA Oversight Committee Partnership, we've given them the opportunity

to discuss and to vote on, school by school, the type of restructuring options that they would elect or select to participate in. And so many of those are a combination of increased governance and oversight. And what that means is that the district is definitely and directly involved in the decision making at the school level, in addition to the principal.

For the most part, in the past, the principals were -- with the support of the district -- they were primarily the person in charge of making certain sorts of decisions, especially as it pertained to resources, spending, curriculum alignment. The district has been very aggressive in providing those additional supports to those principals, to assist them with scheduling so that they can make the best use of their human and fiscal resources; helping them with the budget; to look at instruction directly, drilling down and looking at the data; and helping teachers to understand how to prescribe instructional intervention to support student learning.

At this point, we're going to talk about our highly qualified initiatives. And we've been really aggressive in making sure that, first of all, our paraprofessionals have become highly qualified. We were one of the first in this area to create the district's local assessment. As you know, paraprofessionals are able to work in a Title I school if they've passed the parapro assessment, or if they have 60 credits or greater college credits. So what we were able to do, utilizing Title II funds and additional Title I funds, we created a customized program with the support of Essex County College. And those paraprofessionals -- that program consisted of them taking three college courses along with an intensive Saturday math program. It was held two Saturdays for five hours. We've been very successful, because we've had over 400 program graduates; and many of those

paraprofessionals are still in the program at Essex County College, because many of them have decided that they would like to continue their education.

Additionally, with our highly qualified teacher program, we know that teachers are essential to the progress of student achievement. And the district is pleased that 95 percent of Newark's teachers have met the June 30 deadline to become highly qualified. Again, our teacher aides have had the opportunity to become highly qualified through the assistance from the district. Even though we've not met the 100 percent mandate, we know that we will continue to move forward until the goal is met.

Planning for school improvement: And again, we have a number of schools. Unfortunately, we've got 41 schools that are on the list of not meeting the standard and being a school in need of improvement. And so that working with those schools and providing assistance and support, schools have been charged with asking themselves -- as they meet, as they plan -- these essential questions: What are we doing; why are we doing it; why are we doing it that way; how do we know, most importantly, that the kids are getting it; and how do others know how well we are doing it? When we meet as groups: what are we meeting for; why are we meeting; how are we running and conducting the business of the meeting; why are we doing it that way; how do we know it was a success? We've got to be more efficient with our time and we've got to implement measures that tell us that we're efficient.

And then drilling down to our teachers, where the rubber really meets the road -- and those are the people that really impart and make the difference -- we're expecting them to ask these questions as they're

planning: What am I teaching; why am I teaching it; how am I teaching it; why am I teaching it that way, especially with our English language learners and our special needs students? And we need our children, in order to take responsibility for their own learning and to be empowered, we need to make sure that our children understand that they're getting it and that they know that they're getting it.

And then, as far as our instructional component, as far as our curriculum and pedagogy, we need to make sure that, as professionals, we ask ourselves these questions. And the last question is, what evidence will I collect to show that my kids are getting it? Because NCLB is all about accountability.

NCLB has forced us to look at our planning time -- those pockets of time to discuss, and to look, and to be more reflective, to do team planning, to do vertical and horizontal articulation, to do curriculum mapping, to look at our special needs students. Because we know that if the school misses one of those 40 indicators, that school will find itself on that list. And a school might find itself on that list because of special needs students, because of a handful of special needs students. So it's very, very important that each one of those groups -- that we look at those groups, those learners, those needs. And so this is a sample of one of the activities that was done at one of our great (indiscernible).

Challenge: IEP or AYP -- which one truly dictates student improvement? We find ourselves colliding -- on a collision course with the IEP. Because if students are measured by AYP, if students are measured by grade-level expectations, then where do the IEP -- which trumps what? They're both Federal mandates.

We've been able to really, really become very aggressive with our special education students. And so what we've done is isolate and identify, and put a strong emphasis on our special needs population. Because the truth be told, good teaching is good teaching, whether it be to a special ed student or a "general ed" student. But as we put certain things into place, as we identify and differentiate instruction, based on -- not on a child's classification, but on a child's needs, then everybody learns. And so the district is proud to say that many of these activities are going on now, and we continue to move forward with our support for our special needs students.

Our community outreach efforts: We're very, very proud of the opportunities and the kinds of things that NCLB has, again-- Again, it's been a difficult path, but it's forced us to look at things, and to provide ways, and look at new opportunities -- looking at the challenges and finding new opportunities so that we can make sure that our parents are informed.

I brought with me, also, samples of our newsletter. We make sure that parents are informed at every opportunity possible. We have district-wide mailings. We put updates on our district Web page. We have cable public service announcements. We have a Whole School Reform Oversight Committee. And that Committee comprises partners from the university; Seton Hall is involved as part of that Committee -- they're working directly with Newton Street School. We've got the Newark Teachers Union as part of that particular group. We've got Jersey City University, Kean. We even have some not-for-profit organizations as a part of that Committee. And again, NCLB has forced us to basically beef up what we were doing before, but now it puts an additional focus on it.



Our next steps: CAPA recommendations. What we've been forced to do is begin with the end in mind and look at where we are, the kinds of things that we need to do as a district to continue to navigate and provide the support that we need for our teachers, our students, our parents, so that we can really do the best job that we possibly can. And so we are excited about where we're going. We are excited about the very first restructuring conference that we're going to be hosting with members of the New York Office of UFT. They're going to be participating in a restructuring conference for our 13 schools that are in year 5 and year 6 status. And so we take the CAPA recommendations, we take our charge very seriously. We know that we've got a long way to go, but we're getting there. We're really, really serious about continuing our path in leaving no child behind.

And so our challenges: As we've started to find growth across the board in different places, in different pockets, being able to sustain that growth-- Because again, we're talking about different cohorts of children. And so to measure a school from year to year -- that same grade, but yet you're looking at different students, I don't know. That seems to me to be a little-- I just-- It's a challenge.

Looking at the quality of SES programs: One of the things that I found disturbing when I first got the position was the fact that we had SES providers that were coming to the district -- to ask them to recommend testing materials and program materials. And I found that many of them -- and this was in the beginning -- the quality varied, to say the least. The quality varied from provider to provider. That has changed significantly,

and so we would like to be able to maintain quality control. Our hands are tied in many instances, but we do our best.

Highly qualified math, science, and special education teacher shortages: I think everyone across the nation is faced with that particular issue.

Sustaining consistent parental involvement: Again, at different times of the year and different activities, we find that our parental involvement varies. And parental involvement means different things to different people.

Leaving no child untested: When we look at the number of tests -- and we look especially at the English language learners -- the number of tests and the number of funds, and the number of people that have to be deployed to manage this whole process, it just seems that there should be a better way. It is very, very frustrating; not to mention for the children, to have to find themselves taking multiple tests, almost overlapping. And again, that has been one of the biggest challenges. And additionally, the funding of those tests at every grade level, because the district is not getting any additional funds as we are mandated to comply with the additional components.

And our next steps, again, the regular review of our SES process. We are constantly trying to tweak things to make it better. The emphasis on our district-mandated curricula: One of the things we found with our CAPA review was that we've got the materials, we've got the programs, we've got very robust curricula materials and supports. But we just have to make sure that the district curriculum is being implemented across the board in every school, in every way.

We're fortunate to have a highly qualified paraprofessional candidate pool, as a result of creating that program with Essex County College. And our restructuring initiative to provide more governance and support to corrective-action schools-- Again, these are some of the areas that we've looked at and that we're very proud of, and that we will continue to forge ahead.

And again, thank you.

Newark Public Schools is about making, and continuing to make, that change. I have an appendix in your handout. I didn't know how long the presentation would be, and so, additionally, there are documents in the back that give you a sample of the kinds of things that we've put together. On the first page, it is a cover sheet of our district mailer. And that mailer goes out in four different languages. Every document that we place in that mailer is translated into four different languages. And again, with everything that is done, there's a cost involved. So imagine having to send out and mail 44, 41 -- the number varies from year to year -- so 41,000 pieces of mail. And the packets are quite thick, because again, based on the law, we've got to provide it in the various languages.

The next page is our SES provider comparison. And we're very, very proud to say that Newark has been very supportive of providing -- or participating with the SES program. We have not hindered our SES providers in any way. If anything, we are just holding their feet to the fire to make sure that they provide the best program for our children. And so, as you can see, over the past three years it's grown significantly.

Am I--

ASSEMBLYMAN STANLEY: Oh, yes, that's-- Yes.

MS. CHAVIS: Oh, okay.

ASSEMBLYMAN STANLEY: I do want to thank you for your presentation.

And I want to ask, did you come before the No Child Left Behind Task Force when we were in New York City?

MS. CHAVIS: Right. I was on the job four weeks. (laughter)

ASSEMBLYMAN STANLEY: Well, we certainly appreciated your testimony there, and certainly appreciate your testimony today.

I just had a couple of quick questions, because I want to make sure that we get to David Shreve, from National Conference of State Legislatures. But one question with respect to the growth model: I know that some states -- and I don't know if they allow growth models for individual districts right now. But I believe there are a couple of states that are currently using growth as a model for AYP. And even though New Jersey is still in the process of implementing a student identifier that will help us track student progress from year to year, it's not there statewide yet. I know the Department hasn't done that yet. But Newark has student-- Does Newark not have a student identifier? Could Newark do an assessment based on growth from year to year with your current software, with your current technology?

MR. CHAVIS: I believe that we can. As a matter of fact, the district created its own research study. We used that to measure the effectiveness of our SES program last year. And so, what we did was, we did pre- and post-testing of all students that were in the SES program, from all the providers, as well as the district providers. And they were each given

an identification, and then we were able to actually look at the data. And so I think that, while I am not completely sure, but I do believe that we do have the capacity to do that with our SES program.

ASSEMBLYMAN STANLEY: Well, that's certainly something that we should look at. Because if states are getting a waiver, being allowed to assess annual yearly progress by using a growth model, perhaps individual districts ought to be able to do it also. And I would think that a district like Newark, that is a very large district, that it should be something that we should certainly look into. And I'll -- I guess David Shreve could probably provide us some more information on that when he comes up to testify.

The second issue that I just wanted to ask, with respect to parental involvement -- you said parental involvement means different things to different people. What does it mean to the Newark district? Because I know that we have-- As you say, people have different definitions, people think differently when they think of parental involvement. But one of the things that I think of is that -- parents involved with the districts, some of the district's decision making, making sure that they're involved and engaged in meetings -- PTA meetings, functioning of the school. Not just helping their child do their homework, but also making sure that they're an advocate for the child, and understanding the parents' rights with respect to what goes on in the school. Can you share some of what Newark is doing and what you feel is parental involvement, or what needs to be done?

MS. CHAVIS: We've got a very aggressive parental involvement component in Newark. For example, on our Whole School

CAPA Oversight Committee, we've got parents that comprise -- and that is a district-wide Committee that meets bimonthly -- and we are looking at the schools that are in corrective action. And looking at the district plan, the Title I plan, looking at the school plans and actually discussing and bouncing ideas and data back and forth amongst that group. Additionally, with parental involvement, each school is charged with creating and actually bringing to life their parental involvement plan. All Title I schools are charged with that. And so that is one of the areas that they must identify in their Title I plan. We've got parent liaisons that are responsible for calling parents to bring them in to participate in different programs. We offer workshops. Our office pays for four satellite parental involvement sites throughout the district, in different wards. And we offer workshops, (indiscernible) workshops, technology workshops, workshops on math and literacy support, as well as first aid. We offer a whole host of activities for our parents.

Next month, we are hosting our annual, citywide parent conference at the Robert Treat on May 11. And there are workshops that parents are invited to participate in that run the gamut from what -- working with your students, and the expectations at different grade levels and different growth levels; from understanding NCLB-- There's workshops about the curriculum so that parents can understand where we're moving and the kinds of curricula materials that the district has adopted. Parental involvement is a very serious matter in the Newark Public Schools.

ASSEMBLYMAN STANLEY: Thank you. Thank you very much.

Vice Chair?

Okay, fantastic.

ASSEMBLYWOMAN VOSS: That was very succinct to me.

ASSEMBLYMAN STANLEY: Assemblywoman Truitt, do you have a question?

No.

ASSEMBLYWOMAN TRUITT: No, I just--

ASSEMBLYMAN STANLEY: Okay.

MS. CHAVIS: Thank you very much.

ASSEMBLYMAN STANLEY: Thank you. Thank you very much.

Next, I'm going to ask if-- Oh, actually, we have a representative from Senator Lautenberg's office here, and I would like to ask Ty (phonetic spelling) Cooper to come forward and perhaps give us some words on behalf of Senator Lautenberg.

**T A H I R A H C O O P E R:** First and foremost, thank you so much for having me here. I'm honored to be here.

Congressman Payne, it's always a pleasure seeing you.

Chairwoman and Chairman, thank you so much for having me.

The Senator couldn't be here, but this is a real important issue to him. I've been going to all of the NGA legislative dinners, so I understand the concerns of the teachers, administration alike. And I have the unique experience of having a mother who is a teacher in a public school, so I'm constantly having this beat into my head. Not only is she a teacher, but she teaches special education. So for her, it's twice as difficult managing under No Child Left Behind.

But the Senator did want me to read a brief statement.

“Good morning. The No Child Left Behind program is flawed. No Child Left Behind’s strict reliance on standardized tests and its lack of funding is robbing our children of the education they will need to succeed in a rapidly changing, highly competitive global economy. No Child Left Behind significantly expands the Federal role in education by placing very specific demands on states and school districts to set high standards of proficiency that all students must meet. If schools do not meet their goals, they are subject to a host of sanctions ranging from loss of funding to closure.

“Last year, the nonprofit Aspen Institute established a bipartisan commission to evaluate No Child Left Behind. On February 13, 2007, the commission reported their findings to Congress, which included more than 70 changes to No Child Left Behind. Among the recommendations was a provision to run the standard for highly qualified teachers to highly qualified effective teachers. In order to prove their effectiveness, teachers would be assessed by their students’ test scores and would have to demonstrate that the test scores have improved. If an instructor is placed in the bottom 25 percent of teachers in their state, they are subject to a series of penalties. I have serious concerns about this recommendation. We should not rely on a single test to reflect the achievement of a student or the effectiveness of a teacher. Additionally, we should not legislate new requirements for No Child Left Behind until President Bush is willing to provide school districts with the funding they need to achieve them. While the President’s budget proposal for Fiscal Year 2008 does provide increased funding for No Child Left Behind, most of that increase has been designated for school voucher programs and



expanded testing in high schools. This funding level is not nearly enough to make up for the years of underfunding. In addition, without proper funding, teachers in school systems cannot be expected to meet already rigid testing requirements, let alone be responsible for new ones. Throughout my time in the Senate, I have consistently fought to increase funding for our schools so that all of our children can have the quality education they deserve. Please be assured that I will work closely to study these recommendations of Aspen Institute, and will keep your views in mind as the reauthorization of No Child Left Behind is discussed in the Senate.

“Thank you very much. Senator Lautenberg.”

And also, just to say, hearings like this are so important for our office. We are right here in Newark and we have an office in South Jersey. As reauthorization comes up, we need teachers, we need State legislators, and administrators to tell us exactly what’s going on. What would be the most beneficial thing to happen with reauthorization? And so our office is here. Please utilize us.

And if you have any questions, I’m in One Gateway Center.

Yes.

ASSEMBLYWOMAN VOSS: Yes. I am interested in that provision -- effective teaching. Because, as our Congressman pointed out before, you could have all the degrees in the world and, if you’re not getting through to the kids, what good is it.

I spent about six years writing a dissertation on effective teaching methods. And as we can show our students why they are learning, what they are learning, and how it’s going to improve their lives and how they are going to be able to make a living based upon what they’re learning

in school -- until we do that, I don't think that we're going to be accomplishing anything. We really, really have to have people in that classroom that motivate, that stimulate, that show the kids why they need to know. And I've been in hundreds of schools and I have not always seen that component being endorsed and encouraged. And that, I think, is very important.

MS. COOPER: No. I don't think the Senator at all is disagreeing with the fact that we need to have effective teachers. I think it's just the method that they're being assessed by, is where the criticism falls. So it's not having an effective teacher -- of course we all want that -- but it's the method that they're using to qualify these teachers as being not only highly qualified, but as effective at the same time. So I think it's looking at the structure of the testing system.

ASSEMBLYWOMAN VOSS: Excuse me, but this is a passion of mine, so--

MS. COOPER: No, that's fine. Please.

ASSEMBLYWOMAN VOSS: We have to really look at the type of tests that we're administering to the kids. Because in looking at some of the tests that the State of New Jersey puts on our children -- makes our children take, and looking at some of the ways in which No Child Left Behind is assessed, I think there is a great need for improvement. I think that we are having tests which, I think, are constructed by people who have only a one-dimensional view of education, and that is very upsetting.

MS. COOPER: When you limit yourselves with those tests, you're going to limit the students, as well.

Like I know for myself, the way I learn isn't the way that every other child -- when I was in high school, when I was in college -- learns. There were special methods I had to use as an individual to learn things. So I couldn't even fathom having to go through a system like that, where if you don't meet up to a certain standard as an individual -- you aren't basically judged as an individual, but as a number in a pool of people.

So, completely understandable.

And I hear it from my mom all the time, so I definitely understand.

And like I said before, please use our office as a resource. It's One Gateway Center. We also have a legislative aide in D.C. that will, hopefully, be coming up soon, so please share your concerns with us, as well.

Thank you so much for having me.

ASSEMBLYMAN STANLEY: Thank you very much.

And hopefully, you can stay and hear some of the other testimony and pass it along to the Senator for us.

Thank you very much.

Okay. I'm going to ask David Shreve to be prepared to come up. But I'm going to ask that the County Vocational Schools representative go next -- Judy Savage.

And I also want to recognize -- is Sammy Gonzalez still here, from the Newark Advisory Board? Sammy, thanks for coming. I appreciate your interest in this issue.

Yes.

JUDY SAVAGE: Thank you very much.

Chairman Stanley and members of the Committee, first of all, thank you so much for having this hearing and for giving us a chance to speak today. And on a personal note, thank you for moving me up a little bit. I have a dental obligation down in Trenton this afternoon that will not wait.

Well, the No Child Left Behind has many positive provisions. And I think some of those have been touched on. Clearly, it also has a lot of unintended consequences that need to be addressed in reauthorization.

And my purpose in being here today is to call your attention to some of the particular impacts on New Jersey's county vocational schools; some of which are similar to regular school districts, but some of which are unique because of the fact that the county vocational schools serve, essentially, as regional magnet programs for large special education populations.

Statewide, about 27 percent of our students are special education students. That compares with the statewide average in regular schools of 11 percent. So there is really a very high concentration of special ed students. And these students thrive at the county vocational schools. Not only do they get a solid academic foundation, but what they're also getting is hands-on learning and technical skills that are going to enable them to succeed when they graduate from high school. So they get the academic piece, but they also get that technical piece, which is a real value-added, and which is really going to set them on the path to success.

And while they're successful in those programs and able to leave with really viable job skills, sometimes they are not successful with the HSPA. And it's particularly true for a county vocational school, because

these students don't come to a full-time county vocational school until 9th grade. So if they have had inadequate preparation in Kindergarten through Grade 8, they come to our door in 9th grade and the schools are really-- They have, sort of, a bifurcated mission, trying to equip them with the academic skills to pass this High School Proficiency Assessment, but also trying to give them viable job skills that are going to help them in the future. And it's really hard to do both of those things within the context of a school day, particularly when many of these students have an IEP that says, "This test is not appropriate for them."

Last year, six of our 21 county vocational schools had schools that were identified as in need of improvement, and two others were placed in early warning status. This is an issue for all school districts. That's a particular issue for county vocational schools because, remember, they're schools of choice. They have to go out and recruit their students every year. And they do that through recruiting visits, and direct mailings, and all those kinds of things. But the sad fact is that when a parent sees a little blurb in the paper, sees their name on the list of a school in need of improvement, very often they're not really thinking about -- "Oh, gee, they missed one indicator out of 40," they're thinking, "Well, that school is no good. You can't go there." So that really particularly hurts the county vocational schools. So we think reauthorization provides a critical opportunity to take a look at some of the issues.

Eugene Catanzaro, from Burlington County Institute of Technology, is with me today. And he is going to talk a little bit about the specifics.

But before I hand the mike over to him, I just want to outline, very briefly, what some of our recommendations are. And some of them-- I was really pleased to hear myself upstaged by Congressman Payne, because he's in the driver's seat. And I think he outlined a lot of these recommendations already.

Obviously, No Child Left Behind needs to assess the progress and achievement of special education students in a manner that's appropriate with their educational needs. It's ludicrous to be assessing these students with a test that has already been deemed inappropriate for them by education professionals. So multiple measures is really essential.

Second recommendation is that the measure of Adequate Yearly Progress should recognize progress over time -- a growth model -- as has been mentioned. Because real-- And particularly for a county vocational school, if we get a student in 9th grade who didn't pass the GEPA, and dramatically increase that student's performance by 11th grade, that counts for a lot. And taking a snapshot that just says percentage of students who pass HSPA every year in 11th grade really is so much less meaningful than how are the students doing over time.

And we really trust that these things will be addressed in reauthorization. But if they are -- if those specific things are not addressed, then the law has to give some recognition to schools that serve a disproportionate number of special education students, or other subgroups that are challenged, and really recognize that.

So those are our major recommendations. I gave that to you in writing.

But I would like to just ask Eugene to speak a little bit about his school and students.

**EUGENE CATANZARO:** Thank you for having us today.

My name is Eugene Catanzaro. I'm the No Child Left Behind Coordinator for my school district in Burlington County.

The Burlington County Institute of Technology has two campuses, with over 2,100 students in attendance. It's a full-time vocational school where students attend classes, both academically and vocationally. The district is a district of choice. We have an admissions process. We offer over 25 different vocational shops within our two schools. The Westhampton campus is a Title I school, because we have 36 percent of the students receiving free and reduced lunch. Our Medford campus has 24 percent of those students receiving free and reduced lunch.

The district has been designated as a district in need of improvement. Westhampton is in Year 3 hold status, which means that the school actually did make Adequate Yearly Progress in one year, but we needed two years in a row to make that adequate progress so we'd get out of the designation. Whereas the Medford campus -- which doesn't receive any Title I funds -- has reached Year 4 at this point. And the test was just taken a few weeks ago. So we'll find out, eventually, what happens with this next year.

The Westhampton campus has gone through the following sanctions, because we are a Title I school: parental notification, supplemental educational services, collaborative assessment and planning for achievement -- which was the CAPA review -- and technical assistance. Westhampton will face corrective action if our students don't make

Adequate Yearly Progress this year. The CAPA review was a helpful process, but it was hard to impart to them what was going on within the vocational school itself; because we are different than the average school.

This year, 30 percent of the students at Medford, and 26 percent of the students are classified with learning disabilities. And that goes back to -- across the state for vocational schools. Twenty-eight percent of all vocational schools are in that situation, where we have students with learning disabilities.

We've accepted-- And the other part is that we've accepted students from 33 -- I'm sorry, 63 different middle or junior high schools across Burlington County, because Burlington County is the largest of the counties. And the problem is when they would tell us, "Well, you know, you really need to look at your articulations with the different schools." It's hard for us, as a school, to go to 63 different schools and say, "Hey, these are where our challenges are; this is where you need to meet for us."

Some of the recommendations steer us away from our main goal as well: educating all students, not leaving any of the children behind. As a school -- as a vocational school, we're a beacon. Schools look at us, and they say, "Well, you know, if you can't make it in the regular school, you can definitely go to the vocational school." And that's not necessarily it, because we do have standards.

Our students take what's called the SOCATs, which is a vocational standard. And our students have received 100 percent across both of our campuses in those SOCATs. Our students leave our schools going into the work world, going into the workforce, with skills, with things that they can take away from our particular school district.



My district, along with other vocational schools, serve a specific need in education. Many of our students come to the school not having college in mind at first. They maybe think about it after the fact. But, at first, they don't think about it. They come to our schools saying, "Well, I want to be a mechanic. I want to be a plumber. I want to be a hairstylist. I want to be a welder." We do have other shops within our school, such as health occupations, preengineering, criminal justice. And those students are being able to go to college. But, right now, we have to look at the diversity of the shops. We have many shops in our school. Like I said, we have over 25 shops. But the problem is, what happens if we start deciding, through the admissions process, through all of the different things-- When the CAPA came, they said, "You know, you have to just raise your standards. Your admissions has to be more rigorous in what's going on." So we will stop accepting students that maybe need our school more, than any other school has. And so if we start saying, "You know, we're not going to take you, academically," we can't fulfill those shops, in terms of the welding, the plumbing, and the shops that don't necessarily need a college education.

And that's kind of where we come in. We don't want to change our mission. We want to be that beacon for all of these students. But we also don't want to be penalized. And that's-- As a vocational school -- and I know across the state -- and Judy and I have talked about this at length -- we want to be there. We want to be able to be an outlet for students so they're not dropping out.

I can count on two hands how many kids have dropped out since I've been in the school district. And I've been in the school district for nine years. So that says a lot, in terms of -- when we talked about the

dropout rate. We're talking about things that-- We're giving these students skills that can transfer into the real world.

Somebody did mention-- I think Judy mentioned about, we're taking kids -- our largest sending district, 24 -- our largest sending district had 24 percent of the students pass the GEPA in 8th grade. That's the largest sending district sending to us. And only 24 percent of them have passed. And we're only getting a portion of them. So for us, you know, the growth from 8th grade to 11th grade is critical.

And, again, with the news articles-- We had the front page of the Burlington County paper -- was, "BCIT does not make Adequate Yearly Progress." And then they mentioned some other schools in smaller print. We were the one on the front page. And that's where, as a school of choice, we've lost out. We know what we can offer our kids. Our students are leaving with great things. But we can't necessarily do it for them. We're remediating within the shop areas. Instead of saying, "All right, you know, we have-- You're going to go to your shop class," we're pulling them out of their shop areas, that they're coming to us -- so we can remediate for the English or the math.

And the last thing I want to put out there is that, with the shop areas and with all the different programs that we offer, we are providing that cross-curricula. We're providing -- showing, "Hey, this is what's going on with the English, this is what's going on with the math. And this is how you can put it into the real-world applications." And I think that cross-curricula opportunity is there for all the vocational schools. And it's important for us to maintain that mission, and maintain that goal, without being penalized.

I thank you for your time.

MS. SAVAGE: Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

And, certainly, one thing that we have to keep in mind is that -- is: What is our ultimate goal? And actually, the woman from the Newark Public Schools had a couple of very good questions that we should be asking ourselves always. "Why are we doing this? Why are we educating students? Are we educating students so they know particular curricula, or are we educating students so they have the best possible chance for a successful, productive life?" And in many cases, where you would get high marks on that grade -- but in the context of No Child Left Behind, you may be failing marks. And we have to certainly take a look at that. That's critical.

Assemblywoman Truitt, and then Assemblywoman Voss.

ASSEMBLYWOMAN TRUITT: Yes. I would just like to add to what you said, in regard to motivating youngsters and the cross-curricula planning. That is very key.

I'm in a middle school. And taking out those subjects that were vocational -- identified as vocational subjects, even at the middle school, I feel it has made a negative impact. Because at this age level, it gives youngsters an avenue to experiment and to help them identify their strengths. Shop, home ec, drafting, some of the other programs that many of the school districts have taken out-- It shortchanges them. Because at that age, they're coming into finding themselves. In doing that, as I stated, helps them to identify the things that they may move forward in with a

career, especially-- Just like art -- the arts are important, so are the vocational classes important.

And planning across the curriculum, you're still getting all of your major subjects -- your math, your sciences, your creativity. And much of that, I find, has been stifled. And then again you mentioned -- someone mentioned -- team planning. That's key. That's very key. And those are the areas that help the staff plan, it helps the school plan, the district plan to see where they can move forward to look at where they are, and just to look at the areas that they can identify where the children's interests lie.

And I'm here to tell you, a number of those classes have been taken out of the schools that I'm a part of. And when some of those classes are canceled, for whatever reason, the youngsters become highly upset. Because young men -- the cooking, okay? It exposes them to another world. He or she may not be the college -- per special education -- they may not see college in their future right now. But the more they get into these programs, the deeper they get into these programs, they can identify another way of making a living. Once they're exposed to the culinaries -- as I said -- the arts, they see other avenues that will make -- move them forward. They may not have a clue of how math or science, right now, ties into their future. But if those classes are there, and they're exposed to much of what those -- the curriculum is for those classes, it helps them to move forward.

So I hear you. And I still see a need. The academics are important, don't get me wrong. But everyone will not go to college. Okay? So I concur with you.

ASSEMBLYMAN STANLEY: Thank you, Assemblywoman.

Vice Chairwoman.

ASSEMBLYWOMAN VOSS: Thank you, Chairman.

As you know, I'm a very big proponent of vocational education. And I think that vocational education has saved thousands upon thousands of our children. I wish we had more than the number of vocational schools that we have. And I have two bills in now I just want you to be aware of. One of them is to get some more funding for schools that offer vocational and technical education for teachers. I went to Montclair as an undergraduate. They had a wonderful vocational program. It has now been done away with. And to my knowledge, there is only one college in the state that prepares teachers for going into the vocational arts. The other bill is to get some assistance for people who want to train to become vocational and technical teachers. So I will be pushing very, very hard.

I happen to go up to Bergen Technical and Vocational School frequently. And I can't tell you how happy the kids are there, how well they are doing. The teachers are happy. The school is expanding by leaps and bounds. And we have to do things that will promote vocational education. I don't think we do enough of that.

Another idea I have is that -- in the Abbott districts, we spend a great deal of money to raise the level of education for the children. I would like the money to follow the child. So if a child comes from an Abbott district, who is attending a vocational school, the money that would be allocated for that child's education should be allocated to the vocational school.

And I cannot say enough -- it's exactly what I was saying before -- we have to make education relevant to our children. They have to know

why they're learning what they're learning. And they have to come out prepared with skills so that they will be able to go in the marketplace.

When I was in college, I had an opportunity to be an exchange student and to go to school in several European countries. There, vocational education is valued, it is promoted, it is thought of as something that is wonderful. Because some kids go on to study -- to go to the university, others go into the work field. And education is a life-long thing. It is not something that stops. And we have to make sure that our kids have the opportunities that are going to allow them to develop their full potential. And I think vocational education is really the way that we need to go for many of our kids.

So keep up the good work.

MS. SAVAGE: Thank you.

MR. CATANZARO: Thank you.

MS. SAVAGE: Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

MS. SAVAGE: Thank you for the opportunity to speak.

MR. CATANZARO: Thank you.

ASSEMBLYMAN STANLEY: You're very welcome.

I also want to recognize another member of the Newark Advisory Board. Actually, we work out together when I get a chance to work out. He works out more than I do. Nelson Perez, from the Advisory Board -- school Advisory Board for Newark Public Schools.

Thank you for being here, too, Nelson. We appreciate your interest in this issue.

I'd like to ask David Shreve to come forward and do the presentation on the issues that some of us have seen throughout the country.

David Shreve is actually the-- No Child Left Behind Task Force for the National Conference of State Legislatures really took, during the course of probably about a year -- maybe a little more than a year, year-and-a-half -- to go from -- go to a number of states. And we took testimony from a number of professionals working in the field, one of which came out of Newark. The woman we heard from a little earlier today, Ms. Chavis, was one of the presenters on the -- for the Task Force.

And we came up with recommendations to Congress. And we have since actually met with members in Congress on those recommendations. And I would ask that the superintendents really look closely at what we have at this point, and maybe couch your testimony to some of the things that, perhaps, we have not seen, or you don't see up here, so that we can include them in some of our recommendations and some of our conversations with the members of Congress.

Thank you, David, for coming up -- taking a trip from Washington -- you and Diana. We certainly appreciate your work on the Task Force.

**DAVID SHREVE:** Thank you, Mr. Chairman, Madam Vice Chair, members of the Committee.

I'm going to give a -- well, as brief as I can -- an overview of the findings of the National Conference of State Legislatures' Task Force on No Child Left Behind, which we released two years ago in February. I might be -- seem like I'm going around the barnyard to get there, but we will get

there and discuss the findings of the Task Force, as well as how we translated those into recommendations; and sort of an update, as well, on what's going on, on both sides of Capital Hill, in regard to the reauthorization issue. The Congressman probably did a better job than I could ever do at explaining what's going on in the House. But there are other activities that I think we need to review to have a thorough understanding of what's going on with NCLB.

These are the findings of the Task Force. There are six chapters, and we'll go through most of these briefly.

But before I even start, let me explain why our leadership decided we needed a Task Force on No Child Left Behind. And that dates back to November of '03, when we had had a series of meetings with high-level White House people on our concerns about No Child Left Behind. And we took a delegation of about six legislators to the White House to meet with the President's senior advisors on education. And at that meeting, we took only Republicans, because we had had some problems with the administration listening to people from the Democratic party, and thought maybe we'd try with five or six Republican members of state legislatures.

We were led, at that time, in that meeting in November of '03, by Speaker Marty Stevens, who was the President of NCSL at the time. Speaker Stevens was the Speaker of the Utah House. No one could ever confuse him with being a Democrat, nor Liberal, nor anything other than a conservative, Mormon politician. But he was trying very desperately to get our issues heard at the White House. And over the course of about an hour-and-a-half meeting, we got to a point where we were talking about



special education and the problems we saw with special ed and No Child Left Behind.

One of the members of our delegation was a Utah legislator, who had spent 20 years as an LD teacher in the public schools in Utah. And he brought up the issue of learning-disabled kids. And one of the members of the team from the White House and the Department of Education said, "Representative Holdaway, you realize that the reason we have so many disadvantaged kids" -- I mean -- "disabled kids and learning-disabled kids is because of bad teachers."

Now, the response around the room was very, very quiet. And I was trying to be a good staff member, and I said, "Ron, clearly, you don't mean that bad teaching causes learning disabilities. You probably mean that good teaching, at an earlier age, can ameliorate some of the problems that learning-disabled kids had." He said, "No, Dave. Bad teaching causes learning disabilities."

Well, we went on with that discussion for another half-an-hour. And as we were walking out of the old executive office building, Speaker Stevens turned to me, and he said, "We have to do something about this. That was the dumbest thing I've ever heard in my life." And I tended to agree with him. Thinking that bad teaching causes learning disabilities, and not understanding the distinction between that and early intervention, was unfathomable to most of us in the room.

So it was Speaker Stevens, from Utah, who decided to create the NCLB Task Force in late 2003. We started meeting in April of '04. The Chairman was one of eight Democratic members of the Task Force. We had eight Republican members of the Task Force. Of those 16

members, I think 12 of them were chairs of their education committees of their respective chambers from the states they came from. And they represented states from all across the country.

We met for, basically, every month for nine months. It was a grueling schedule, including an election cycle for many of the members of the committee -- of the Task Force. And these are the findings we came up with, in the order that we came up with them. So let me go through these for Chapter 1, on the appropriate Federal role for the Federal government in K-12 education.

Our first recommendation was that we needed to shift the focus from the processes and requirements to outcomes and results. Despite what NCLB has been marketed as, it is highly bureaucratic and highly compliance-oriented. And we saw this as an egregious problem with the Task Force, even back two years ago, or more than two years ago.

As a current example -- might illuminate this for you. For those of you who get bored, or sleepless at night, and read the Federal register, you might have noticed the October 2006 estimate that came from the Department of Education itself, estimating the reporting requirements on state education agencies, local education agencies, and schools to be, for this current year, 6.7 million hours, which is up 150 percent from their last estimate, which was three years before that. They calculated that at \$26 an hour, that's in excess of \$135 million of bureaucracy just generated by No Child Left Behind's reporting requirements. Not testing, but reporting requirements, about how schools are doing.

We also found, in talking about an appropriate Federal role, that there were unfortunate conditions at the Department of Education

that led to arbitrary and capricious interpretation of rules concerning grant and waiver applications, and other problems within the implementation of No Child Left Behind. A good current example of that is the problems going on in Reading First. If you haven't paid any attention, you -- or you may have noticed that the Inspector General's Office, within the Department of Education, found that Department of Ed officials were steering schools and districts to certain kinds of reading recovery programs. They found that the Department had probably violated the law by attempting to dictate which curriculum schools must use. They weren't being direct in saying, "You have to use Curriculum X." But if somebody applied for, and said they were going to use Curriculum Y, they would say, "No, you probably shouldn't try Curriculum Y, you should try Curriculum X." To me, it has brought forth the question in my mind as to when the whole phonics, whole language thing became a political issue. And it seems like, to me, it has become a political issue. As a result of the findings with the IG's Office, some of these conditions and some of these violations have been referred to the Justice Department for prosecution.

But in getting back to the whole arbitrary and capricious notion -- or *transparent and uniform*, as we called it in our Task Force report -- we've got just a series of examples of how this program was implemented so unfairly and so inconsistently that we have to wonder what is going on. The first state that we were aware of was Nebraska. I don't know if anyone knows, but when Nebraska first applied and developed their plan for implementing No Child Left Behind, they negotiated a special deal with the Department, directly with the Secretary of Education at the time. And the deal was this: Rather than develop a statewide system of accountability and

testing, Nebraska said, “We have this system of local testing. And we’re going to run it through a statistical model. And that’s going to make it comparable across the state.” So, in secret, this flexibility was granted to Nebraska, but not to any other state, to allow them to continue their very fine system of local testing, and not have to go on and dump that and start all over again.

Unfortunately, this became public knowledge, and the Federal government reneged on the deal in August of 2006, and said, “Oh, by the way, Nebraska, you’re out of compliance -- even though you’ve been doing this for five years -- since the beginning of No Child Left Behind.”

In California, as well as in Arizona -- which is the next slide -- the Californians were concerned that the English-language learners not be included in grade-level English testing for five years. They thought it was unfair, because the original law and regulation was two years. They cut a secret deal with the Department, and exempted California from AYP calculations for three years, which the Californians were happy to have. Because when they asked for five, they were going to be happy to have three. They got the three, which is another exemption that any state in the country would have loved to have had four or five years ago, when they were first implementing No Child Left Behind.

Arizona: In May 2003, again, high-level Federal officials verbally approved exempting Arizona’s English-language learner kids from AYP calculations. Of course, this is a terribly significant issue in Arizona, where there is a huge Hispanic contingent of students. This was allowed, again, under the promise that, if it became public, the Department would back away from the deal. Indeed, in August 2005, the peer review teams

came through Arizona and said-- All of a sudden they said, "Oops, you're out of compliance." And the Arizona Superintendent said, "We're going to sue you, because you're reneging on a contract agreement."

Closer to home here, at the very beginning days of No Child Left Behind, there was to be a Rose Garden ceremony in June -- I'm sorry, January of 2003. The folks in New York were one of the 10 states -- I think it was -- that had done an early application and early implementation plan for No Child Left Behind. But they had a problem, and they said, "You know, we're using the Regents tests in New York. It's been going on for years, and years, and years. It allows retakes of the test. And we're not going to participate in this Rose Garden ceremony unless you allow us to do that." So New York towed the line -- stood up to the White House, and the White House said, "Okay. We want you to be in the press conference. So you can allow retesting."

Contrast that to other states, such as Virginia, which allowed retesting under their Standards of Learning program -- which requested the same kind of flexibility all the way through, from the beginning of No Child Left Behind. But it wasn't until almost three years later, when the Department said, "Oh, okay. Well, we're going to let you do retesting. We've been letting New York do it for all these years. We might as well let you do it." And now they're letting a half-a-dozen states do retesting as part of their plan.

In Washington, the Washington State Education Agency proposed to change their "N" size for special ed kids, in order to qualify for a new flexibility that's called the 1 percent or 2 percent special ed exemption. They did this in order to comply with the requirements to get

the new flexibility. But the request was denied under what I call the *rabbit-hole* explanation: that the state was simply trying to get the 20 percent exemption -- or the 1 and 2 percent exemptions, which equals 20 percent of your special ed population. So that was the reason for their denial.

In Texas, in August of 2005, the commissioner of education interpreted Texas law to say that Texas law could exempt up to 90 percent of students, 9 percent of special ed student -- 9 percent of students, or 90 percent of special ed students, from the grade-level proficiency tests. They did this, and immediately the number of Texas schools failing on the AYP watch dropped from 1,700 to 400. And the number of failing districts dropped from 517 to 86 districts. The Department of Ed fined the state \$444,000. Now, this is out of a billion-dollars-plus that Texas gets. So it was a drop in the bucket. And this was for an unrelated infraction, which they later rescinded as part of the Katrina deal for the Gulf states.

In Florida-- Florida is a perfect example of the conflict between Federal requirements and state practices. In the early years of No Child Left Behind, over 87 percent of Florida's schools were identified as failing in the first year of NCLB. And of those, 22 percent had received an *A* or *B* under the Florida accountability system, which they run parallel. So Florida decided that if you got an *A* or *B* on the Florida state accountability system, and you failed AYP, they would give you something called *provisional AYP attainment*, which was endorsed by the Department of Ed. Again, something that any state in the country would love to have in order to rationalize the distinction between your state accountability system and the Federal AYP system.

In Oregon, after being turned down for the initial round of growth models -- which I will talk about in a minute -- Oregon reapplied and were denied, again, the opportunity to use a growth model to measure student performance. The reason given was that the state had recently revised their standards -- their content standards -- upward. And the Department cited this as an example of instability within the system of the state. This, despite the fact that Tennessee had done exactly the same thing -- that is, revise their standards, apply for the growth model waiver, and then had it accepted.

So our first recommendations clearly center around an appropriate role of the Federal government, including some uniform, and consistent, and transparent standards for how the law is implemented.

In our Chapter 2 about Adequate Yearly Progress -- which we consider to be the centerpiece or the engine that drives No Child Left Behind -- we have to keep in mind a couple of facts. AYP gives states 40 ways to fail and only one way to pass. In other words, you have to meet all the conditions to pass AYP. And if you failed one condition, or one cell on a grid, the whole school fails.

As we met as a Task Force, we realized -- and many of the members spoke out on this -- that state accountability systems were used, mostly, to diagnose problems and to focus resources; where AYP was designed to identify failure and to punish schools. And our favorite -- my favorite quote of the whole Task Force process over the year -- and I hope, Chairman, you remember this -- when State Superintendent Doug Christiansen, from Nebraska said, on the narrow range of multiple choice testing, "Weighing a pig more often does not make it fatter." (laughter)

This is an example of a hypothetical school -- an AYP chart for a hypothetical school. And if you can see, down the left-hand column you have to list all students, the disadvantaged, and the various racial and ethnic groups. Across the top you have reading and math. And in each test, you have a participation rate, which is 95 percent, and a proficiency score -- whether or not you're meeting the cut score that we've all talked about. So what you end up with is at least 36 -- and more often others, because you have to have one additional indicator as a minimum -- so a minimum of 37 indicators to measure the performance of a school versus AYP.

This school failed to get its students with disabilities to pass the proficiency test in reading. So it missed one cell out of these 36 cells. And under AYP, and under No Child Left Behind, this is a failing school, or a school in need of improvement. There is no distinction between this nonperforming school and *this* nonperforming school. There is no distinction in the terminology used to determine whether it's failing or successful, and there's no distinction made between what the consequences are for failure at this level or failure at that level.

This is a chart with the percentage of schools not making AYP from 2006. This is from the American Association of School Administrators. I thank them for sharing their information. You see New Jersey is at 29 percent. Look at your neighbors and decide -- and look across the country -- and decide how many of these states are so much better than yours. For instance, compare yourself to Texas, where only 9 percent of the schools are failing AYP. (laughter) Clearly, Texas is three times better than New Jersey, as far as their public education system. What



this is an indication of is the fact that schools -- states are allowed to set their own content standards and to set their own cut scores for what the definition of proficient is. So what you have here is a pretty stark example of why you can't compare any score from any state with any score from any other state, whether it's a neighbor or across the country.

Then we have the issue of the flexibility that's been granted and the waiver authority that's been granted, which I did not really talk about in depth with these other specific state issues. These are a list of the kind of flexibility that has been granted to states over the last three years, I believe -- two-and-a-half, three years -- from the Department on a real piecemeal basis. All of these issues -- confidence intervals, safe harbor provisions, standard errors of measurement, uniform AYP averaging, rounding rules, and indexing -- all are attempts to ameliorate the problems with AYP, which we know is a very inartful and inaccurate measurement of student performance.

It's gotten to the point where these things that have been implemented in the states that I mentioned -- in the number of states that I've mentioned -- have now become what the Harvard Civil Rights Project calls, "What once seemed a clear if highly controversial policy has now become a set of bargains and treaties with various states." In other words, we don't have a Federal No Child Left Behind law, we have 50 No Child Left Behind laws.

But these are the states -- I think you're on here. These are examples of what states have gotten which flexibility. You see New Jersey, here, has gotten minimum subgroup size flexibility, extra time to graduate, identifying districts for improvement, and the use of confidence intervals, as

well as the option of retesting -- the option that New York has had for five years.

And this raises the question of: Is this uneven flexibility -- in other words, 17 states getting one thing, four states getting another, 17 getting a different adjustment -- is this uneven flexibility and waiver authority a symptom of a problem or a solution to the problem? I think we would argue that it's a symptom of the problem, because you're having to make all these changes -- these statistical changes to AYP -- when we know from the very beginning how inaccurate -- again, inartful -- AYP was as a metric. As a matter of fact, when Congress was conferencing No Child Left Behind, back in 2001, they got a whole group of psychometricians together in a room and said, "This is what we're doing." And every one of the psychometricians said, "Please don't use AYP as a measurement or a metric that has any consequences attached to it, because of its inaccuracies and its problems." Unfortunately, they were ignored.

So it raises the question of: What do these allowable adjustments mean? And I suggest to members, both at the Federal level and at the state level -- or even at the district or school level -- try this as an experiment. Ask 100 parents of your school-age kids to explain the impact of indexing and the application of standard errors of measurement on Johnny or Jillian's school's AYP rating, and see what kind of a blank stare you get. If they don't have a psychometrician in their pocket, they won't have a clue as to what you are talking about.

So our Chapter 2 recommendations about AYP are: We should recognize the degrees of failure and subsequent consequences. Give states the option of adding or substituting a true student growth approach to

testing. There is no such thing as a growth model with absolute targets at the end, which has been suggested as a way of getting around the problems of AYP. Allow states to use multiple measures, which I think the Congressman talked about, and which is a wonderful suggestion. Reduce the overidentification of failure and make the Adequate Yearly Progress provisions less prescriptive, and rigid, and absolute. And allow states to decide the order of interventions when a school is identified as being in need of improvement and to target those interventions. For five years, the Department of Education fought switching the order of public school choice for supplemental education services, when it clearly makes sense to make this the decision that's done at the school level, or at least at the district level.

Chapter 3 was our chapter on students with disabilities and limited English proficiency. This one is actually very simple. IDEA requires that you teach kids according to their ability. And No Child Left Behind requires that you test them at grade level for all but about the 10 percent of the special ed population, or the additional 20 percent of the special ed population, if the Department gives you the flexibility to do that.

There are significant contradictions between NCLB's expectations for students with limited English proficiency and what is commonly acknowledged by research. And I think, again, that was brought up earlier today.

My suggestion to understand this -- to individual members, is this: If you believe that ELL kids can take English language skill tests in two years, or even three years, I would suggest that as a condition of you running for reelection the next time, you start taking Farsi lessons and take

a test in Farsi in two years to see whether or not you can pass it, as a test for whether or not you can run for election.

And then, clearly, another issue with the English-language learners, or limited-English proficient students, is that you -- is they don't do anything to differentiate between a kid who comes in at age 16, who has never been in school in his life, and hasn't spoken a word of English; versus a kid who may have been born in the country but came from an immigrant family. And you've got to be able to distinguish between someone who has been in this country for most of their life and absorbed some of the culture, but may have English problems; with someone who not only doesn't have any English, but has not had any formal schooling, let's say, from the country they came from.

And then, of course, the problem with both special ed kids and a limited-English proficiency kid is that the group-- The achievement of proficiency and the movement out of the group means that only those who by definition cannot meet the proficiency requirements populate that subgroup. In other words, you have two subgroups who are defined by their inability to perform at grade level, whether it's because of English problems or it's because of -- they're special needs kid.

But those are the exact definitions and the defining characteristic of who is in that subgroup. So we're always going to have those subgroups failing at a much higher rate than anywhere else.

And, finally, we found that IDEA is not only a statute, but also has basis in civil rights law. And our answer to this is that IDEA should always trump No Child Left Behind, with the individualized education program deciding the appropriate testing regime for every special ed kid,

not some arbitrary designation of 1 percent exemptions, or 2 percent exemptions, or a total of 3 percent exemptions. We think IDEA always trumps No Child Left Behind, and should.

Now, we've heard a lot about the additional flexibility for the new kinds of special ed population groups that have been determined by a very long and convoluted Federal register process. These are the five new groups of special ed kids that the Department has determined exist: that there are kids that need alternative assessments, based on alternative achievement standards. These are the severely cognitively disabled kids. And this is the 1 percent exemption from the overall student population, or the 10 percent of the special ed population.

Then we have the kids that are alternative assessments on modified grade-level standards. This is the 2 percent group. Alternative assessments on grade-level achievement standards; all the way down to four and five -- the regular State assessments on grade-level achievement standards. So these are the five new groups, five new testing programs that you're going to have to put into use if you want the ability to exempt up to 30 percent of your kids from grade-level -- your special ed kids from grade-level testing.

The question that that raises in my mind is: Does this new emphasis on accountability reflect increased achievement and are special ed students benefiting from these assessments, or is it just another testing regime to go through? And, clearly, on a practical level, with the need for more tests and more personnel to administer the five levels, how are resources for actual services impacted?

If you've ever seen-- If you've never seen the videos of some special ed kids -- in wheelchairs, with CP, and problems focusing or even staying awake -- taking a test -- taking hours, and hours, and hours of a test that's administered by one person, on a one-on-one basis, I suggest you find these. They really are heart wrenching and underscore the issue of: Why are we testing kids who are still -- at a high level, and trying to compare them to grade-level standards? Why are we testing kids who are trying to determine the distinction between a fork and a spoon? Why are we trying to even consider them in the same class as kids -- I mean in the same testing class as kids who are functioning near grade level? And, of course, it does raise the issue of: What do you have to do to be eligible for this flexibility? And, yes, we're getting back to the transparency and consistency issue, or the arbitrary -- what I call the *arbitrary* and *capricious* issue.

These are the 27 requirements that states -- or I call them the 27 *hoops* that states have to jump through in order to get the additional flexibility of the 1 percent and 2 percent, or total of 3 percent, exemptions. The one that really sticks out at me is: You see here that, in order to get this, you would have to allow the Department of Ed, in Washington, to review your fiscal management procedures within your school and to review how much progress you're making in high school reform initiatives -- which in the minds of people in Washington means: Have you implemented testing -- additional testing at the high school level?

So after you jump through these 27, this is where you got in order to determine whether or not you got flexibility for your special ed kids. This is very straight forward: You figure out what the number would be of 2 percent of all students assessed; add that proxy to the number of

students with disabilities who are proficient; and then use this new number to calculate AYP, only if the school did not make the AYP solely due to students with disabilities. Now, I challenge anybody in this room to explain to me what this means, because I don't have a clue.

Following up on students with disabilities and LEP kids: The Department has hyped a very specified road map for what determines whether you're a highly qualified special ed teacher, and this is it. Work your way through this to determine whether or not you're highly qualified under Federal definitions of special ed teachers. And similarly, for highly qualified teachers -- not special ed, but general teachers -- there's another road map that's been developed. And this is how you figure out whether you're a highly qualified teacher under the Federal -- the simple and straightforward Federal guidelines of No Child Left Behind.

Okay. Then we get to the issue that's actually easier to deal with, because it doesn't involve a whole lot of jargon. But it still has become very complicated because of positions particularly the Republicans have taken in defending appropriations for No Child Left Behind.

We've all heard that there are historic increases in Federal funding for No Child Left Behind and for Title I, and that is true, indeed. But those increases will amount to about \$10 billion -- total of \$10 billion over the five years that we've seen No Child Left Behind. And what we found is that that \$10 billion is about 2 percent of the overall K-12 budget in this country.

And when we looked, as a Task Force, at the spending patterns of states as they tried to implement No Child Left Behind, what we found out up here is that it was taking states between 1 and 5 percent of their

aggregate K-12 resources just to comply with the administrative requirements of No Child Left Behind -- 1 and 5 percent on a yearly basis. So that means it's compounding every year. And under a conservative estimate of the average cost to implement No Child Left Behind, we use 2 percent of aggregate state budgets; and an expansive evaluation of Federal funding increases, which was 2 percent. The cost of complying with No Child Left Behind's administrative requirements is exactly matched by the Federal appropriations increases. In other words, you're getting an additional 2 percent as a result of the Federal increases in No Child Left Behind; and it's costing you at least 2 percent -- in most cases, much more than that.

Most recently, the state of West Virginia had Augenblick & Myers -- probably the premiere school finance folks in the country -- do an estimate about the cost of not only complying with No Child Left Behind, but also trying to reach the 100 percent proficiency target. And in West Virginia, what they found after six months of study was that West Virginia was spending between 4 to 6 percent annually, on a recurring basis, to comply with No Child Left Behind; and was having to spend -- would have to spend 8 to 10 percent annually on a recurring basis in order to meet the increasing targets of No Child Left Behind.

Now, this is sort of complicated by the fact that West Virginia, like a lot of other states, uses this track for proficiency. In other words, you don't have to show performance increases for two years. And they're showing very modest 10 percent increases for the first three years, and then 10 percent more. But when they get out to the eighth year of No Child Left Behind, which is about 2009-2010, they're then starting to show 10



percent increases a year, or 40 percent over four years. So the pain is put off. And we call this the *balloon payment* method of complying with No Child Left Behind. In other words, "We'll make some progress, and then we'll hope it's reauthorized before we get to the point where we have to hit these proficiency targets."

So as a result, when West Virginia figured out how much money they were going to have to spend, they only figured it out up to this year. Because they knew there was no way they were going to come up with money to hit 100 percent, nor did they think that anybody would ever hit 100 percent.

But this is what they came up with, when you use those numbers -- the minimum numbers of compliance and meeting proficiency -- and, again, compounding annually. So, essentially, what this tells you is that in the eighth year of No Child Left Behind, West Virginia is going to have to increase their K-12 budget by 245 percent in order to comply with the provisions and be on track to meeting proficiency.

Now, we all know that funding is part of the problem in education, but it's not all of the problem. And, clearly, there are very few states that have the political will or the resources to come up with 245 percent increases in their K-12 budgets to meet the requirements of proficiency targets of NCLB.

And complicated by that is the fact that every state that's done a proficiency projection rate has come up with 75, or 80 to 95 percent. You see the states that have done these: Connecticut, 93 percent; Minnesota, 90 percent-plus; Massachusetts, 74 percent. This is the failure rates that they

project in the year 2014, when we're all supposed to be at 100 percent proficiency targets.

In addition, the cost issues are complicated further by a change in the funding formula -- the distribution formula for Title I that was part and parcel of No Child Left Behind, and well-intended to push more money to highly disadvantaged districts. But there are some very, kind of, perverse consequences of that. And that is this: For school years '06-'07, 38 percent of LEAs will gain Title I funds, but 62 percent of LEAs will actually lose Title I funds, compared to what they had before. Unfortunately, there's a new provision in the law that says states are now required to reserve 4 percent of their funds for school improvement; in other words, for the schools and districts that are three, or four, or five years in failure of meeting AYP prescriptions. So if you factor in the 4 percent reserve that states have to hold back, this year -- this school year alone, 10 percent of LEAs gained funds; the remainder lose -- so 90 percent of school districts lose Title I money; and 25 states are losing Title I funding compared to the previous year.

You guys are here. You're one of the top 10 losing states in dollar amounts, but not in percentage amounts, because you're only losing about 2 percent. You see some big changes in states like Wisconsin, with a loss of 14 percent, and others. I threw these in, in case anybody really wanted to compare yourselves. But at a time when we desperately need more Title I resources to deal with the problems of structurally underperforming, disadvantaged kids, we're seeing half the states losing funds, and two-thirds of the districts losing funds, compared to what they were getting in previous years.

When we looked at reauthorization issues-- These were just sort of off the top of my head. And they've been-- We've been adding to them. I mean, clearly the compliance issue versus flexibility in states like Arizona and Nebraska-- Are these deals that they cut legitimate or not legitimate? And are they legitimate for the whole time, or are they legitimate for part of the time? I mean, you know, that's leaving states in the lurch to try and determine what they're getting, and how they're going to get it, and whether they should even ask for it.

The whole issue of individual versus group assessment: There fortunately seems to be some agreement about the individual versus group assessment, the so-called *growth model*. But despite all the talk about it, only two have been allowed and approved to use the growth model at the state level. That's Tennessee and North Carolina. There are three more that are theoretically in line to use it in this upcoming school year, if they jump through all the hoops that the Department has set out for them.

The administration has shown an incredible resilience into expanding No Child Left Behind in high school. It's in their blueprint for reauthorization of No Child Left Behind. They tried once to turn all the Perkins Vocational Education money into a high school testing program for No Child Left Behind -- were overwhelmingly defeated in the House and Senate. But as you saw in the requirements for meeting the 1 and 2 percent, and 3 percent exemptions, they're trying again to get additional testing in the high school level through NCLB-type tests.

Expansion of choice to include private schools-- The House Republicans made some noise about this before the election, and even made noise about it after the election, realizing that they probably had no chance

to get it either before or after the election this last November. The Democrats are talking about increased funding to reach 100 percent proficiency, something that I think, as a Task Force, we determined was never going to happen in any state. The whole issue of national standards and national tests have arisen as a fix to some of the problems of No Child Left Behind, specifically the comparability of No Child Left Behind testing from one state to the other. Keep in mind that nobody ever sold No Child Left Behind as a comparability from one state to the other. It was about increasing student achievement in every state, not comparing one state to the other.

We have-- But, unfortunately, we have six prominent Republican policy wonks, very well-known, and many Democrats who have either endorsed or proposed national standards. I think, as an organization, our position will probably be -- because we don't have an official position on national standards -- but it will probably be that national standards may be an idea that we should talk about, but it's not part and parcel of reauthorization of No Child Left Behind, and it obscures many of the issues that No Child Left Behind needs to have addressed and to be fixed in reauthorization.

The administration has a proposal out called the Blueprint for something-or-other for No Child Left Behind. Interestingly enough, there are three very prominent preemptions of state laws in the White House's and Department of Ed's proposal to reauthorize No Child Left Behind. They want to preempt state law regarding vouchers; they want to preempt state law regarding the number of charters; and they want to preempt state law regarding collective bargaining agreements for teachers, so that they can

relocate good teachers to hard-to-serve kids in bad schools. It's not a bad idea, but probably not the way to go about it.

And in the report mentioned by others -- and I'm not going to go into great detail about some of these other recommendations -- but in the Aspen Report, there is a suggestion that -- one of the many, many suggestions in the Aspen Report is that they should put a right of private action into No Child Left Behind. Now, right of private action is what we have in IDEA. It allows a parent or student to sue if they feel they aren't getting the services required. It's one of the things that probably has had some good effects, but has had the effect, in the IDEA system, of layering incredible layers of lawyers on the whole system. I think we, as an organization, believe that the right of private action in No Child Left Behind would be a disaster, just layering more and more layers of lawyers on the whole system.

The lessons we learned from the No Child Left Behind implementation-- And I should preface this by saying everyone on our Task Force believed that No Child Left Behind perfectly articulates the problem of disadvantaged youth and underperforming kids. So the ideal and the marketing plan for No Child Left Behind was wonderful. But the weapons or the tools in the toolbox to deal with those issues are just not there. If anyone thinks that having high expectations, that punishing schools, that allowing for a few students to get supplemental education services or to change schools into another public school is going to fix the achievement gap that we have, I think you're sadly mistaken. It's one step towards it, but it's not the panacea for all of our problems.

And what we learned from NCLB implementation thus far is this: Our system of government is predicated on a distrust of centralized power exercised arbitrarily from afar. And, unfortunately, I think that's what we have with No Child Left Behind. The feds aren't very good at micromanaging processes. In other words, they shouldn't be telling schools when to test, how to test, who to hire. What they might have the capacity-- They don't have the capacity or the self-control to avoid the heavy-handedness that we've seen in all the examples that we -- that I just gave you a taste of. And despite the admirable and articulate goals of No Child Left Behind, it's 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.

And, in summary, when you look at the two sets of recommendations that we've reviewed for this, and that are in one of the handouts that you have, we called the Department of Ed's Blueprint for No Child Left Behind *Surge I*, because they want to do more testing; more standards-setting; more reporting for local schools to the Federal government; and more preemptions, as I might add, of state and local laws. And we call the Aspen Commission Report *Surge II*, because, again, it's more testing, more standards, more reporting, more bureaucracy.

And, unfortunately, I think we've gotten to the point with NCLB where we need some very severe action. And we're seeing it happen in parts of the House and the Senate. Let me read you a line from a letter that 10 Democratic Senators sent to Senator Kennedy, who is Chair of the Senate Health, Education, and Labor Committee -- just one line. These are 10 Democrats that signed on to this letter. "While we support

accountability in our schools, we have also heard about the multitude of implementation problems with the law's provisions, and believe these concerns must be brought before this Committee. We have concluded that the testing mandates of No Child Left Behind, in their current form, are unsustainable and must be overhauled significantly during the reauthorization process beginning this year." This letter doesn't have any -- have some specific suggestions. But what they're saying in this letter to Senator Kennedy is, "We want comprehensive, and deliberate, and serious reform, not just nipping around the edges, to fix No Child Left Behind."

Similarly, we have 57 Republicans who have signed on to something called the A-Plus Act, which is essentially an old block grant proposal to block grant Title I and other K-12 moneys to the states. And in exchange, states would just have to prove that they're making improvements in student performance and closing the achievement gap, but they would do it with their own measures, and their own standards, and their own tests, and on their own schedule.

So there we have it in a nutshell. You have copies of the Task Force's report in front of you. We ended up with 43 recommendations in the Task Force. Again, the members of the Task Force -- even the ones who didn't like No Child Left Behind -- liked the fact that it identified so many of the problems and articulated those issues. And, again, I emphasize that the problems with No Child Left Behind that we found in the Task Force's hearings were more in the manner of what kind of remedies were offered, and not the intent, and not the reporting of subgroups or the data -- gold mine of data we've gotten from No Child Left Behind. Because we all agree that that's good. But the process and compliance mentality that's been

brought on by the Department of Education, through No Child Left Behind, is really stifling states and not really doing the things that it's intended to do, which is to close the achievement gap and raise all student performance.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much.

Would any of the members like to ask any questions? I'm sure David was thorough enough that we don't need to ask any questions.  
(laughter)

ASSEMBLYWOMAN VOSS: What an education.

ASSEMBLYMAN STANLEY: We certainly appreciate his testimony and his continued work on No Child Left Behind; and, hopefully, offering -- continuing to offer Congress -- the members of Congress -- a blueprint for changing the Act.

Let me ask a superintendent to come up -- superintendent from Hillside Public Schools, Raymond Bandlow, I believe, was one of the first to arrive. And Zende Clark is with him, also from the school -- from Hillside Public Schools. And I think Angela Garretson, who is the President of the Hillside Board of Education, is here, or was here and had to leave.

**RAYMOND BANDLOW, Ph.D.:** She was, but she couldn't stay.

ASSEMBLYMAN STANLEY: I want to certainly acknowledge her presence.

DR. BANDLOW: My name is Ray Bandlow. I'm Superintendent in Hillside.



And with me is Zende Clark, who is our Director of Secondary Education; and also has been our Title I coordinator for some time, and has great experience with that.

Angela Garretson, our Board President, was here but could not stay.

I want to thank Assemblyman Stanley for inviting us, and for all the good work in what you've done with us in Hillside, too. We've been very pleased. You've been in our community so many times; and we really appreciate it.

I'm also very glad to hear today from our Congressman, Congressman Payne, who represents Hillside and does so, so well. We're an urban district. But unlike Newark, we are not an Abbott district. But we have the same challenges that they do.

I was-- I learned a lot from listening to the previous discussions -- the presentations. And I think that we intuitively knew how bad NCLB was, from our own, very limited, experience. Within just-- You know, my focus is two square miles and 3,500 students. It's not the big picture. But seeing that made me realize it's even worse than I thought. And you wonder that only a crazy person would think it's a good idea to expand that system to the high school. Obviously, that's just one point of view.

I think the real problem with this is that this law, from the beginning -- it married two very different visions together that were incompatible. And one vision was that of a generation of school reform leaders who really wanted to focus on minority kids, and disadvantaged kids, and kids who hadn't been served well by schools in lots of places. And that's a good vision. But then there was also the other vision of people

whose real purpose was to make sure public schools failed, that -- this is the profit-driven motive, this is the corporate, the private interests -- who see these billions of dollars out there for public education, and they want to get some of it. And that's all-- And they were given a free reign in developing the way this thing was implemented, to guarantee failure of public schools. And I love the slide that shows, by 2014, we've all failed. So then what do we do? Obviously, that's when you just pull the plug on public education and just make it vouchers. That appears to be the intent.

Well, this-- Is there-- You know, I think we can't forget the good part about focusing the spotlight on kids who are disadvantaged, kids who haven't been succeeding, who haven't been served well. That still has to be kept. That's about it. Everything else can be swept off the table with this law.

The way it's written, it does more harm than good. Because instead of providing support and resources to schools that are serving low-performing children, it punishes schools; it wastes instructional time with an overemphasis on tests; it sucks up your energy and your attention through horrible bureaucratic processes, like CAPA, that do no good and that take resources away. And I will give you some examples.

And, also, I have to speak about the 100 percent, because it sounds so good to say 100 percent proficiency. And believe me, as a Superintendent of an urban district, I understand very well how important it is to have high aspirations. You must have high aspirations, and you must use them every day to help children raise themselves up. That's critical. But if you do it in such a way where the system is set where they can't succeed, where schools can't succeed, and teachers can't succeed; and

you set unattainable goals that teachers know they're being set up for failure, you do great harm. And that's really what this does. That's what this is all about. They have no respect-- You talk to teachers around the state about NCLB, they have no respect for the law at all, because they know what it is. So you think about that.

And I give the example: If it's so easy to get 100 percent proficiency that you just legislate it, why not legislate 100 percent health for all children too? And if there are any kids that -- any areas or communities where kids aren't 100 percent healthy, take money away from their hospitals. That would be the solution, wouldn't it? And that's the logic when you apply it somewhere else.

I'll give you an example. We have a school in Hillside called the George Washington School. This is a really good school, with good teachers, who are doing a great job. They will never, ever get off the failing list. Why? Because they have, every year, 52 percent of their new kids that come in -- which is about half of their population -- come in new, new not only to the school, but new to Hillside. And almost all of them come into our community working below grade level -- virtually all. So for the first year of testing, the results don't count against the school for No Child Left Behind. But in subsequent years, it does. And so even they do a great deal -- even though they do a great deal to raise performance, help kids grow, show growth that a growth model would demonstrate -- under current rules, this school never has a chance of being anything but labeled failing. That is just unethical.

Now, we are-- People already spoke about the disabilities, the problem with that; about ESL. I don't need to go there. I can tell you I

have personally seen children cry when they're being tested, because they can't understand the test. Who thinks that's a good idea? Can people really justify that and look themselves in the mirror when they do that to kids?

The law needs to be repealed. I mean, I think it needs to be completely revised and reconsidered. And I also-- I love -- Congressman Payne had great recommendations. If we have to keep the thing, and reauthorize it, I support his recommendations with a couple of considerations. And one is about who is making progress. Because I thought he was just overly generous in ascribing progress in schools to No Child Left Behind.

If you look on the second to the last page-- I just gave you a couple of things about progress in Hillside. You can see in our second grade testing -- which is not part of NCLB, by the way -- five years ago, only 45 percent were proficient in math. This year it's 85 percent, almost double. Fourth grade: 32 percent were proficient in math five years ago; this year, 76 percent -- more than double.

Now, NCLB is not getting any credit for that. They're not, because they don't deserve any credit. And I will show you why. If you take a look at the last page, please, in my handout. In '02-'03, we received -- we're a smaller district -- \$700,000 in total Title I funds -- \$700,000. How much this year? Four hundred and fifty-three thousand dollars that we received this year. That's \$250,000 less, 35 percent cut. Now, where did the money go? Who took it? I'm hearing a lot about school -- about flat funding -- complaints about that. I'd be delighted with flat funding in this case. And what this has meant for us -- I'll tell you what it has meant,

in losing money of this magnitude -- that we had to lay off Title I teachers. We've had to eliminate teacher training in math and science. We've had to cut services. We were getting \$100,000 for our schools in need of improvement. This year it's \$18,000. Cut support for technology, cut support for counseling kids, cut support for substance abuse; eliminate family math nights, Saturday tutoring.

Now, how can NCLB take credit for our improvement when they've taken our money away that we were using to good purpose? We have, in New Jersey, the Grade 8 -- the GEPA test. We had a group of kids who failed the GEPA. We brought them in, and we put them in the high school with the support service. We were giving them support -- very vigorous, very aggressive -- for two years, in skills; keeping them in regular classes but giving them some tutoring support. The kids that stayed through that program for two years -- over 90 percent of them are on track to graduate now. And these are all kids that failed the GEPA. We had to cut that program because of this, because our money has been taken away.

Is it being spent on CAPA teams that cost \$23,000 a piece? Is it being spent on the Department's accountability? And you could see-- The gentleman from the Council of the States showed that states have been burdened with this accountability process. They have had to create armies of bureaucrats to manage the program. And in doing so, where does that money come from? Here it is. So money intended for kids is being used to feed a system that's, in my view, fatally flawed.

Zende, do you want to add anything to that?

**Z E N D E L. C L A R K:** No, I think you've summed it up very well.  
(laughter)

Thank you very much.

ASSEMBLYMAN STANLEY: Well, thank you very much.

Any questions?

ASSEMBLYWOMAN VOSS: No, you've said it all. And I agree 100 percent with you.

DR. BANDLOW: Thanks so much.

MS. CLARK: Thank you.

ASSEMBLYMAN STANLEY: Thank you so much. I always appreciate your support, Dr. Bandlow. I appreciate you coming out; and certainly appreciate your testimony, as well.

Thank you.

Next, I'd like to have Frank -- I can never pronounce his name--

**FRANK DIGESERE:** Digesere. (indicating pronunciation)

ASSEMBLYMAN STANLEY: --Digesere, from Bloomfield Public Schools -- Superintendent from Bloomfield Public Schools, which is also part of my Legislative District.

Thanks for coming.

MR. DIGESERE: Thank you.

I'd like to, first of all, thank the Assemblyman and the Committee here for having me.

A lot has been said. And most of what was-- I was wondering what I was going to say when I got here today. And I kind of heard a lot of what I was going to say. And I guess I'm going to center in on a couple of areas that I think just need to be said and maybe you haven't heard.

I will start by saying this: Arriving here, in my first year as a Superintendent-- And I'm wondering about NCLB. And after this

meeting-- I don't know if I was supposed to come here to add something. But I'm walking out of here a little confused, and I'm walking out of here disheartened in many ways, because I see -- especially after the Task Force's report -- I see a very unfair system. I see a system that is just -- reeks with politics, and reeks with everything that's really bad for education and bad for kids. And if it's bad for education and it's bad for kids, then why are we having it?

And that's just basically the way I feel. I mean, I didn't know how I was going to feel coming here today. And I didn't know -- and this is not prepared -- I can only tell you my reaction from sitting here for a couple of hours and listening. I'm just saying, what I've seen here is bad for kids.

I have no problem with accountability. I have no problem with being held accountable. I have no problem with my school district being held accountable. But I do have a problem when you're holding me accountable, and you're holding all my kids, and my staff, and everybody accountable if you're setting me up for failure. Then I have a problem with that, and I have a right to have a problem with that.

Everybody knows that NCLB funding is tied directly into free and reduced lunch. I'll take a place like Bloomfield. We've had a 46 percent increase in free and reduced lunch, with no substantial increase at all in funding. Now, economically disadvantaged students are moving into the school district every day, and we're not receiving any help in meeting the terms, and conditions, and benchmarks of No Child Left Behind. But yet we're being held accountable to a system that contradicts itself-- by the State, to a system that contradicts itself every which way it seems to appear.

I'll give you an example of something. If you were to go into a ball game, go into the stands at a Little League game, and you just start talking to everyone, and you were to say to them, "Yes, it's a good idea that high school kids have three years of science instead of two years of science," I think almost to the person everybody would say, "Yes, it's a great idea." Except for one thing. When that changed, and that law changed, no one understood that in many schools only 60 percent of the kids that were there were taking three years of a science. Forty percent weren't. All of a sudden, we were faced with hiring science teachers for another 40 percent of our kids for another year. We were faced with building labs at a price of \$80,000, to \$100,000, to \$150,000 per lab. And all of these expenditures just keep coming, and all these standards just keep coming, and all these things just keep coming. And what are we faced with? The support and the money that is supposed to come with it--

Now, NCLB is dealing with science here. They're ready to put science in as a tested area, where we're going to be held accountable for science. So what happened once is going to happen again. And many districts aren't going to be prepared for this. And the only way they're going to be able to be prepared for this -- because science is something where it's a hands-on activity, labs are needed, various kinds of special circumstances are needed to educate kids -- especially students with disabilities and ESL students. And, again, the funding isn't there, the support isn't there. I do believe if they expand the role of NCLB, we'll be testing science -- or counting science, as far as our -- what we're held accountable for.



I just think it's a vicious circle that I'm very -- not happy-- I can go on for a long time. We've been here for a while. And I don't think anyone wants to hear me anymore. But it's just a very frustrating thing. It really is.

ASSEMBLYMAN STANLEY: Well, I hope that given the testimony that we've heard today -- also with your input and the input of others -- that we can certainly transmit to Congressman Payne and our congressional delegation -- the entire delegation -- the need for changes in NCLB; and the impact that it's having on the ground, where you and your employees are actually having to deal with this and implement this.

But I appreciate you coming out and speaking up.

MR. DIGESERE: Thank you.

ASSEMBLYMAN STANLEY: I certainly do.

Is Dr. Balbow, from Bellville, here?

No?

UNIDENTIFIED SPEAKER FROM AUDIENCE:  
(indiscernible)

ASSEMBLYMAN STANLEY: Okay. All right.

I'm going to ask Al Joy if he could come up -- the Assistant Superintendent, I believe, in Irvington.

We appreciate Al Joy coming today. The Superintendent couldn't be here, but Al is -- was a long-time principal at the high school; and is now in the administration. And we certainly have enjoyed a great relationship with him, working with the high school students; and now, on behalf of Irvington Public Schools.

Welcome, Mr. Joy.

A L B E R T J. J O Y: Good afternoon, and thank you for the opportunity to testify. Unfortunately, Ms. Davion is unable to come today. We had a death of one of our teachers in the high school, and she's with the students there at the high school today, trying to help with the counseling. She asked me to stop by and make a few comments.

My comments will be very brief, because so many of the speakers before me so eloquently said the very same things that I would be saying. So I will couch my remarks to just five small statements.

Number one: The schools are a microcosm of society. Let's take an average American. Say they make \$50,000 a year. And that would include everyone in this room. Hopefully, we're making more than that. But when you went this morning to gas your car up, you noticed the prices have gone up. When you get your bill tonight for the car insurance, or you get it next week, the rates have gone up. Your rent or mortgage has gone up. And the cost of food is going up.

So what happens to the average American when these things happen? Well, when the wife -- the lady of the house -- says, "Aren't we going to Aruba this year?" "No, honey, we're going to Seaside Heights." "What happened to the money?" "Well, I had to pay more gas, more food, and things like that." Or maybe there will be meatless Wednesdays in addition to meatless Mondays.

Well, the schools are the same. The heat goes up, the textbooks go up, the salaries go up, the contractual agreements, ad infinitum. So what do we have to do? We have to cut, as well.

When I was the principal of the high school in Irvington, I watched the State rape the curriculum by taking away all of our vocational

ed classes: the drafting, the food service, the child care, the metal shop, the wood shop. And if you have multiple intelligences, this is not good for kids.

Right now, under NCLB law -- I currently serve as the Title I Director -- we have to mandate 1 percent for parental involvement. Irvington, this year alone, has spent over \$100,000 on parents. Is that what I cut next year when we don't have the moneys? Right now I see music programs go the way of the vocational ed classes. We have a program in Irvington called Children United Stand Higher, a partnership with Montclair State University, where we're taking 50 young people in Grade 6 on a six-year journey -- they're now in seventh grade -- toward collegiate studies. That costs us \$118,000 a year in Title money. Many of the students are from Ms. Truitt's school, University Middle School. Do I take that away when I have less money? In fact, the Title I allotment for this year is less than last year. And just a month ago, I was informed by the Title III office that I had to take my budget this year and reduce it by \$27,000. I only receive \$52,000. Now, they're telling me, in March, to give back \$27,000. The money has already been spent. Then I get a notice from the Title III Immigrant Office. They want \$10,067 back. They only gave us \$17,000, and the money has been spent already. I don't know where we're going to find this money to give back.

We just received our Title I SIA allotment, \$132,000. That's down from \$267,000 last year. That's the money that pays for our Summer School enrichment program. That's the money that takes our teachers, in the Summer, to the NJDOE workshops on things like SREB, Southern Regional Educational Board; standards of rigor. Those things are now gone, because the money is not there.

I mean, we could go on and on, and talk about all the things we can't do. This year, because we received less money in Title I money, we can only accommodate 430 students for SES services. The State has raised the price of SES to \$1,522. But yet the moneys we were allotted, after the blended money came in-- We could only take 430 students. We did 616 last year. That is not helping children.

In fact, right now, despite the fact that we put in our NCLB application a month early in September, rather than the due date in October, we still have not received, from the feds, approval of our current moneys. Which means my local board has only given me 85 percent of what I'm supposed to get to run the district. And, right now, I'm sitting on bills from SES providers and others that I cannot pay until I receive percentiles 86 through 100. And, of course, they get angry. And then, next year, these quality people do not want to come back.

So I would make some recommendations for NCLB.

Number one: We have to increase the funding. See, right now, all of us are talking the talk -- No Child Left Behind. But until we change that to "No Change Left Behind" we're not walking the walk. That's pure and simple.

We also need quicker approval. If we are forced to get our applications in, in October, I'd like to have approval in November that we have the money, and get 100 percent funding, so I can sit and commit to the young people what they deserve, and not have a letter in March that, "You're still not funded, and we want to take some money back." I don't know how we do that.

Also, I went to a conference in California recently -- a Title I conference for -- a national convention. And, basically, the growth models out of North Carolina are not working. And in addition, it says it takes three to five years for short-range change, and five to seven for sustained change. And yet AYP comes up in less increments than that.

So increased funding, quicker approval, and a little more time-- And I'll just give you a little parody. If you have a child -- I'm sure many of you do -- and you say, "Johnny, clean your room by 8:00 tonight." And now it's 1:00 in the afternoon, the room is still not clean, but you're going to beat him to death now -- but he still has seven hours to go. Then you come back in at 3:00 and the room is still not cleaned, even though some of it might be, you beat him again. It just seems like we're beating up on our kids, and it's not even 2014 yet.

Thank you so much.

ASSEMBLYMAN STANLEY: Thank you very much, Mr. Joy.

We have, from Perth Amboy Schools-- We've got John Rodecker, Superintendent of Perth Amboy; and Donna Chiera, President of the Perth Amboy Federation, American Federation of Teachers.

Would you like to come up together? Is that fine?

**JOHN M. RODECKER:** Sure.

**DONNA M. CHIERA:** Oh, yes, we get along. (laughter)

ASSEMBLYMAN STANLEY: That's refreshing.

MS. CHIERA: Someone's cell phone is here.

ASSEMBLYMAN STANLEY: No, actually, that's for the--

MS. CHIERA: Okay. Just checking.

ASSEMBLYMAN STANLEY: --computer.

Thank you so much.

I appreciate you sitting through our testimony today. I hope it hasn't-- I hope it's been productive for you.

And I also understand that Assemblyman Vas couldn't be here today, but he told me that you were coming. And I certainly appreciate you coming.

MR. RODECKER: Thank you, Assemblyman.

And thank you for the opportunity. I want to commend you and the Committee for just taking the time to listen. I know a lot of us are frustrated with what happens from time to time in education. And sometimes we are grateful for the opportunity to be heard. And I know, as far as the testimony that has taken place today, a lot of the same things--

When I prepared my testimony, I prepared it as if I was going to be the only one speaking. Unfortunately, that's not the case. And a lot of what I touched on has been touched on previously and, in some instances, to a much greater degree.

I was a little concerned at the outset of the testimony, when I thought some of the concerns that I had with NCLB were not going to be addressed. However, as later testimony has developed, it has come to light that there are flaws in this law. And things that, from time to time, do seem unfair and insurmountable-- There can be no doubt that this legislation has had a profound impact on public education in New Jersey and throughout the country. And there is nothing that is wrong with a system of accountability.

However, you do have to question from time to time as to what the actual intent of this legislation was. Someone would say that it is a

system of accountability designed to make schools better and for all youth in America to be fully educated. Others would argue that it is a system of sanctions for struggling schools and school districts, which will ultimately lead to their dismantling. There is no dispute that No Child Left Behind has resulted in school districts taking a long inward look at their existing educational structure and that aspects of this legislation have proven to be positive in their results. No Child Left Behind has resulted in more highly qualified teachers, and paraprofessionals, and safer schools.

A self-evaluation of programs that do not work has produced changes in public education which only can be viewed as constructive. Districts now not only concentrate on the general student population, but also have raised the level of expectations for English language learners, economically disadvantaged students, and students who have learning disabilities.

In Perth Amboy, for example, teachers receive the same level of staff development in special education and bilingual education as those in the general program. The curriculum has been aligned so that all students are being taught the same content, regardless of their educational status. New initiatives have been introduced aimed at educating all students to their ultimate potential. In Perth Amboy, all five elementary schools have made Adequate Yearly Progress in 2006, the first time this has been achieved.

The question, however, is: How realistic is it to expect that by the year 2014 every child will be 100 proficient in language arts, mathematics, and science? In Perth Amboy, although student achievement has risen, not all schools have met the benchmarks that this aggressive

legislation requires. It has also been suggested that NCLB is a system designed to fail. Further, this could provide a compelling argument for the institution of vouchers.

While it is noble to treat all students alike and to require every child to reach achievement benchmarks by 2014, in reality, all children do not learn at the same pace or to the same level. Once districts fail the unrealistic goals of No Child Left Behind, proponents of vouchers will seize the opportunity to allow parents to utilize taxes earmarked for public education and send their children to private academies.

We have witnessed the flaws of this thinking through the institution of charter schools in New Jersey. A child's entire State-aid entitlement follows him to a charter school, while assuming the public school district will save an equal amount by not having to educate that student. However, changing a class enrollment from 30 to 29 does not reduce the cost of the teachers' salaries, classroom supplies, or support services that are necessary to adequately operate that class.

In New Jersey, districts are already feeling the effects of sanctions imposed by the Federal government. Schools and districts have been labeled *failing* if they do not meet the required achievement levels. It is not sufficient that many schools and districts have improved student learning. If nothing else, this law has set unrealistic timelines for the achievement of lofty goals, especially in inner cities where districts face additional challenges of poverty, overcrowding, antiquated facilities, and immigration.

There has also been inconsistency in the administration of these Federal regulations by the states. New Jersey has followed a course of



rigor, which is commendable. However, is it realistic? Thus far, 151 high schools in New Jersey have yet to make AYP. Sixty districts have been cited as in need of improvement, and each year the gap widens as the benchmark is raised.

Within a district such as Perth Amboy, where over 66 percent of students reside in a home where English is not the primary language which is spoken, despite the efforts of our bilingual program, a child still returns to a home in which Spanish is predominately spoken. Is it realistic to expect the same achievement from these students or to expect a student arriving in this country, speaking no English, to pass a written test in English after one year? Also, is it realistic for learning disabled students to pass the same written test being taken by the general student population with only slight accommodations? Where is the recognition of the handicap that has required and resulted in the special education classification of these students? Currently, only 1 percent of our special education population may be exempt from taking the battery of standardized tests.

In summary, No Child Left Behind, while viewed by some to be the saving grace of public education, may, in fact, bring about its downfall. Unrealistic timelines, harsh sanctions, unfair labeling, and inconsistent administration all combined to steepen a hill which is already difficult to climb. In addition to sanctions come the required remediation, which in itself results in reams of paperwork in order to satisfy monitors and CAPA review teams, whose task in the final analysis requires additional corrective action plans and which takes away from the purpose for which they were created.

Thank you for your time.

ASSEMBLYMAN STANLEY: Thank you very much. We appreciate your testimony.

Yes, please.

MS. CHIERA: Good afternoon.

And I know I am probably the stumbling block between you and the door.

But my name is Donna Chiera. I'm President of the Perth Amboy Federation/AFT. But I'm also a teacher. And I'm going to, right now, be the voice of -- from what I saw today -- the only classroom practitioner that was speaking before you today.

I teach special ed. I have a resource room. I teach third and fourth graders. My students, over the year, have made progress. And I truly-- I was in a school who was on Level 5. And we were taking a hard look at what we were doing and how we were doing it.

The district, between Abbott funding and No Child Left Behind, gave our school the support we need. And all of the support focused in what was going on in our classrooms. When No Child Left Behind went, I wanted to wear a button that said, "I'm special ed, and now me and my students count." Because prior to that, special ed students -- put them in a classroom, teach them what you could, keep them out of trouble.

No Child Left Behind -- the intention of the law was good. There were many things. Unions, for years, have been saying, "It takes more than a warm body to educate kids." No Child Left Behind said, "highly qualified teachers; teachers stop teaching out of certifications."

Paraprofessionals, who are partners in the classroom, had to meet a standard: whether it was a portfolio assessment, whether it was college credit, whether it was parapro. And don't we want people in our classrooms, who are working with our students, to meet a standard? Those are good things.

Today you heard a lot about assessment. New Jersey did not lower its standards with No Child Left Behind. We want our students to meet a high standard. Our assessments, for the most part, are limned to the standards that we have. However, for one week in the State of New Jersey, fourth graders have to sit for 81 minutes and take an assessment. Now, somewhere in my college career I learned about developmental levels of students. Fourth graders taking assessment, from anywhere from 54 minutes to 81 minutes, five days in a row-- I don't think you can look at this and say this is a true assessment. Because I bet if you look at those assessments, the first 50 questions you probably had good results, the last 50 questions slowly went downhill. We look at adults. I, as an adult, don't know if I could sit for 81 minutes and take an assessment.

We also now rate a school based on an assessment. And now you have school districts who are now giving benchmark tests to see how the students are going to do on the assessment. Now you have zealous principals who are now giving kids assessments to see how they're going to do on the best benchmark assessment so we can see how they do on the State assessments.

You hand a child a piece of paper, and they say to you, "Is this a test?" Because we've made students aware that we're testing, testing, testing. Kids have ulcers, kids have this -- all of these are from stress. We

need to look at how we are testing. With all of the money going into think tanks, I would think that we could figure out a way to truly assess students on the standards without giving -- taking such a chunk of time in assessments.

We really need to look at that. And in New Jersey, one of the concerns-- We test mid-March on assess -- on standards. The standards read, "By the end of fourth grade, by the end of third grade, students will be able to do this." I'm in a math master's program. March is two-thirds through the school year. It's not at the end. And I realize we're doing this because if we wait until the end of April, the beginning of May, school districts aren't getting the reports back until next January. Again, we need to figure out a way where we can give true assessments on the standards, later in the year, and get the results so they count.

My one-- And I gave you, in writing, some of my concerns. One of the things that concerns me is inserting the word *effective* teachers. Now, I know there are not many people in this room, and I know the people in this room certainly wouldn't do this. We put AYP in place very quickly. And here we are, six years later, saying it's not working. We're going to, very quickly, put an effective standard in place. Just like with the students, the easiest thing to do is judge you on a test score. I have no control over my students and what-- I control what they learn. I can't control how they're going to feel the day of the assessment. My concern is--

We could get very political here. I could end up not -- Mr. Rodecker certainly wouldn't do this to me. But I could end up with a list -- a group of remedial students who will never meet AYP. They may have gained a year-and-a-half in academic strength, but they didn't meet AYP.

So I am now ineffective. I could then, in turn, start getting very legal. And I'm speaking from the Union point of view. "I was given those students so I could fail, and you now could get rid of me because I'm ineffective." Rather than rushing into an ineffective labeling, we really need to spend time looking at how we're going to measure effectiveness of a teacher. And it can't be through test scores of students.

The other thing I liked today is hearing that truly, when you look at NCLB, there really is no highly qualified administrator. I can go from a teacher to an administrator and make more -- up to \$10,000 to \$15,000 additional each year. However, in a strange way, there's really not a whole lot of accountability for me, as an administrator, as being a classroom teacher. I have to be highly qualified; and when things start to go wrong, the additional paperwork-- You need to look at the documentation. Every time the law says the CAPA report-- All of these things are being placed on the classroom teacher. "Give me more documentation. Give me more documentation." Every additional piece of paper I have to fill out for documentation is time I'm taking away from my students. I'm hired to teach students and look out for their well being.

I guess my message to you would be, today, let teachers teach. Let them work with their students in their classrooms. Let them do what's best for students.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much.

I just have a few other--

UNIDENTIFIED      SPEAKER      FROM      AUDIENCE:  
(indiscernible)

ASSEMBLYMAN STANLEY: Please. We've got a list of people here. I just want to make sure that we haven't missed anyone.

Nelson Perez. Is Nelson Perez--

UNIDENTIFIED SPEAKER FROM AUDIENCE: No, he left.

ASSEMBLYMAN STANLEY: Okay.

Had he planned on speaking?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No, sir.

ASSEMBLYMAN STANLEY: Are you speaking?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No.

ASSEMBLYMAN STANLEY: All right.

Ed Stevens. (no response)

Scott Juchnevicius. (no response)

Debbie Gabbidon. (no response)

Dorothy Rivers. (no response)

Lynn Hutchings. (no response)

Miosotis Hernandez. (no response)

Stacie Newton. (no response)

Vanessa Baez. (no response)

Lev D. Silberman. (phonetic spelling) (affirmative response)

Please state your name. And maybe you could spell your name, also, into the record. Spell your name, also, into the record when you state your name.

**LEV D. SILBERMAN** (phonetic spelling): Hello, everyone.

My name is Lev D. Silberman. I'm an alumni of Essex County College '93, and Rutgers-Newark 2005 -- master's degree in Political Science.

Okay. Here's the situation that I would like to address.

First of all, about the No Child Left Behind Act, I have to agree with what the previous speakers before me said, like Mr. David Shreve and the school superintendent following him.

I would like to list examples -- is that we have our own problems. I'm a district leader in the West Ward, in Newark -- District 45. And we have our problems, such as the Mount Vernon School, located on Mount Vernon Avenue, in Newark, New Jersey -- the West Ward. And to give you an example that-- How we have had problems was that, the school had, frequently, broken glass. And it took years and years to repair that stuff. We had birds' nests in there.

Now, the other thing is about -- the No Child Left Behind Act has to address is the fact that education is (indiscernible). But you also have to make sure that -- children need to be educated against gangs. Because where I live, you have the Bloods gang. And I know for a fact that gangs use little kids to run errands for them. And little kids in cities like Newark-- A lot of them come from broken families. And when they see a gang member having flashy -- what is it -- electronic toys like this, and flashy jewelry, and expensive shirts, and cars, they start looking to the wrong people for role models. And I think that needs to be addressed.

We also have had shootings in Newark recently. All right? And that needs to be addressed too. It's not just Newark, it's throughout New Jersey.

Also, I would like to mention that we need more money to colleges -- two-year and four-year schools. Because education starts at the grade level, and (indiscernible) for four-year schools.

Okay. For example, students went to Washington, D.C. to lobby Congress for money. Right? Here's an example. The President wants to cut Perkins loans. Now, my question to you is: How do you expect students to be -- to have a good education -- good experts, corporate analysts (indiscernible) a good education. It starts in grade school. Let me emphasize that. It starts in grade school and goes through college. So everything is connected. The No Child Left Behind Act, and the Perkins loan-- It's all links in a great chain. Right?

Frankly, in my opinion, No Child Left Behind is a bureaucratic maze. It may have had good intentions. But as my Political Science professor used to say, "Expectations do not match reality." How does No Child Left Behind square, if giving more money to education -- Kindergarten through college -- I again emphasize that -- when money has been taken away?

I would urge you to listen to what Mr. David Shreve has said to you, and the school superintendent following him. Because I warn you, in 10 years, if kids are not educated well, you will have a social explosion on your hands. For example, when these teenagers get out of high school, they won't be able to read, write, or be adequately prepared for college or the real world. This will affect everything else. Remember, the experts of the future begin their education in elementary school. And this is what Mr. David Shreve said before me, so I won't be repetitive.

Now, what I want to finally make a point -- is about the child with disabilities. I happen to be someone who was disabled, and I have had a hearing problem. As you can see, I'm wearing a hearing aid. So if the No Child Left Behind Act is not taken into account, students with disabilities--



That's going to have a real impact on them when they go into teenage -- and into adulthood -- especially when they get into -- become teenagers. Because teenage is a very sensitive period, going from in between childhood and adulthood. So if they get -- what's the English word? I'm from Russia -- if they get bullied, or teased a lot on account of their handicap, it might affect their psyche and them being bitter.

I don't have to give you an example. Why? Look at Virginia Tech. That guy was from China -- I'm sorry, not China -- he was from South Korea. And what happened was, he got teased, and teased, and finally -- boom, he exploded, and a bunch of people went dead. And it's all connected. You have to give funds -- I don't know from State funds or the Federal funds -- to make sure that children with disabilities get the best, adequate training and care so that they will be prepared to go into the real world, once they get out of grade school, then middle school, and then into high school; and then college. I mean, I've been there. But I was lucky enough to get through it okay.

And that's basically the situation.

That's what I have to say.

Thank you very much for listening to me.

And if you have any questions--

ASSEMBLYMAN STANLEY: Well, thank you very much Lev. I appreciate you coming up. And I saw you listening intently throughout the testimony. And you certainly made some very good points.

Thank you very much.

I believe we've heard from everyone who has expressed interest in being heard.

And I want to thank the staff, again, for your patience, and for hanging in there with us, and all of your work in terms of preparation for this hearing as well.

I want to thank my colleague, Assemblywoman Truitt, who has stayed and listened throughout. We ran over, but we thought it was important to hear everyone.

So thank you very much.

At this point, we stand adjourned.

Thank you.

**(MEETING CONCLUDED)**

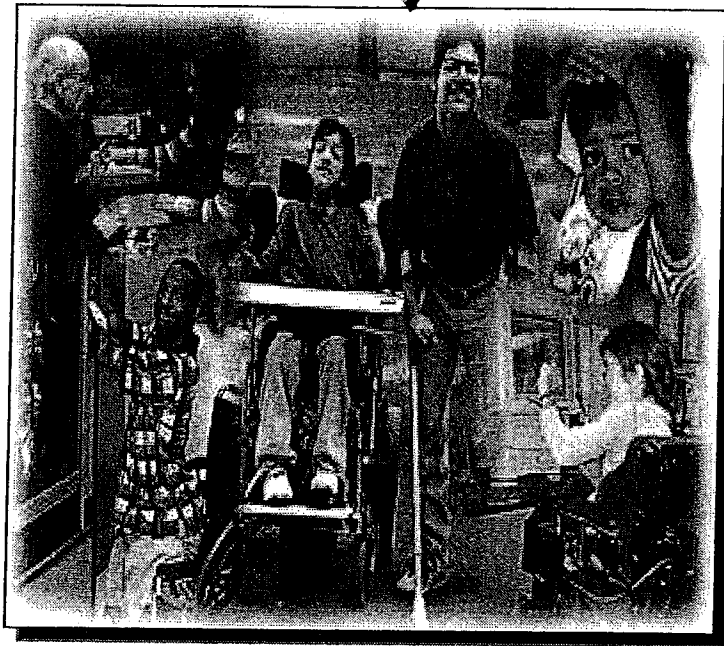
## APPENDIX





# MAKING IT WORK FOR *ALL* NEWARK STUDENTS!

*No Child Left Behind*



THE NEWARK PUBLIC SCHOOLS  
Office of Title I Programs

## ***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***





## MAKING IT WORK IN NEWARK

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

— Norman Vincent Peale

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## MAKING IT WORK IN NEWARK

### Presentation Overview

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#### 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

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## MAKING IT WORK IN NEWARK

### DISTRICT Profile

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- 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)

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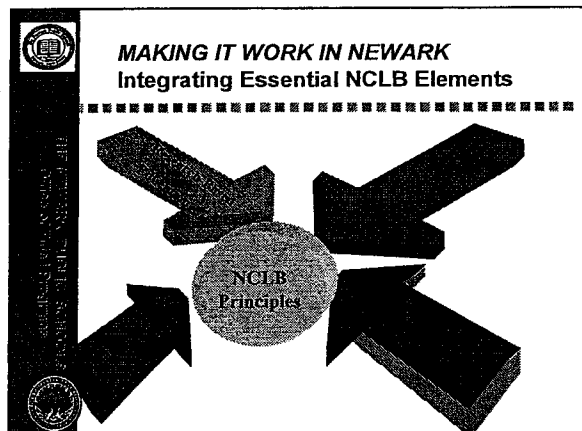
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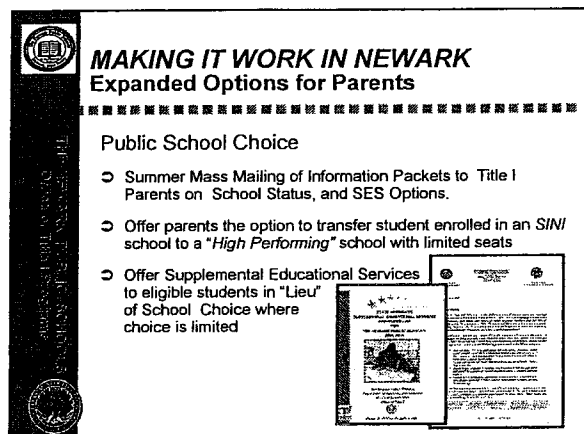
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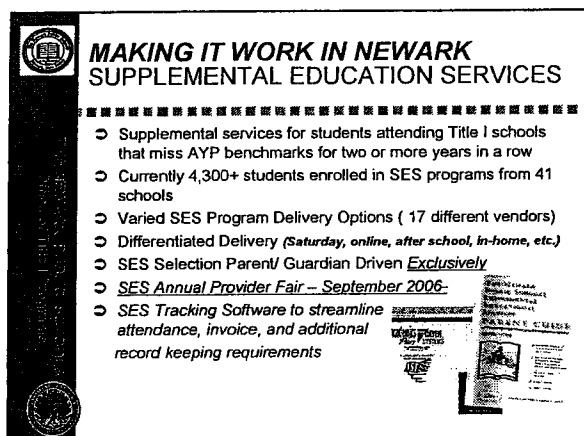
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

## 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

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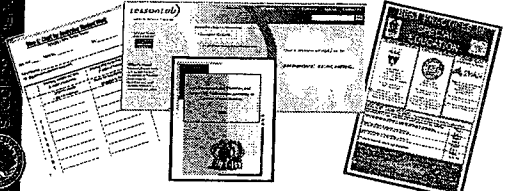
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## MAKING IT WORK IN NEWARK

### 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



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## 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



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## MAKING IT WORK IN NEWARK

### Planning for School Improvement

#### Essential Questions

<p><b>Planning Instruction</b></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><b>Broad School Application</b></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><b>Group Meeting Application</b></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><b>Content, Assessment, Pedagogy Planning</b></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>

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## Effective and Efficient Use "Common Planning" Time

### Vertical/Horizontal Articulation...Curriculum Mapping

<p><b>Problem:</b>          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><b>Problem:</b>          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><b>Problem:</b>          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><b>Problem:</b>          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>

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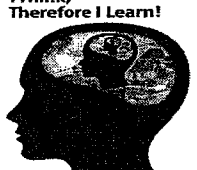
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## MAKING IT WORK IN NEWARK

### NCLB vs IDEA...Friend or Foe?

I Think,  
Therefore I Learn!



IEP or AYP

Which One Dictates School Improvement Status?

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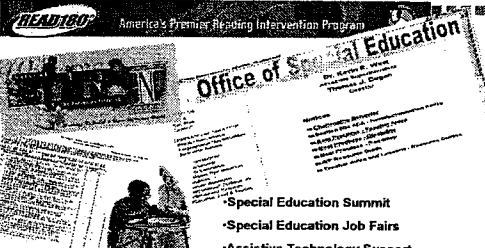
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## MAKING IT WORK IN NEWARK

### District Special Education Initiatives



**Office of Special Education**  
 Dr. Anthony B. White  
 Superintendent  
 Newark Public Schools

- 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

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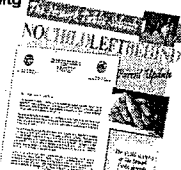


## MAKING IT WORK IN NEWARK

### Keeping Our Parents Informed

**Parental and Community Outreach Efforts**

- Regular District Wide NCLB Mailings
- NCLB Website Updates on District webpage
- Cablevision Public Service Announcements
- Whole School Reform Oversight Mtg
- Advisory Board Meetings
- Various community forums




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## 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




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## MAKING IT WORK IN NEWARK

### Next Steps/ CAPA Recommendations

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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.



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## MAKING IT WORK IN NEWARK

### Challenges

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- 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

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## MAKING IT WORK IN NEWARK

### Next Steps/ Lessons Learned

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- 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

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*7.*



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

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**"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!**



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**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!**

*82*



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

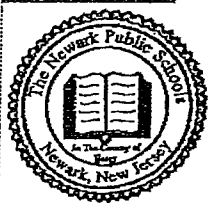


## APPENDIX:

- 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	
Brainfuse							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, <b><u>due August 15, 2006</u></b> 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

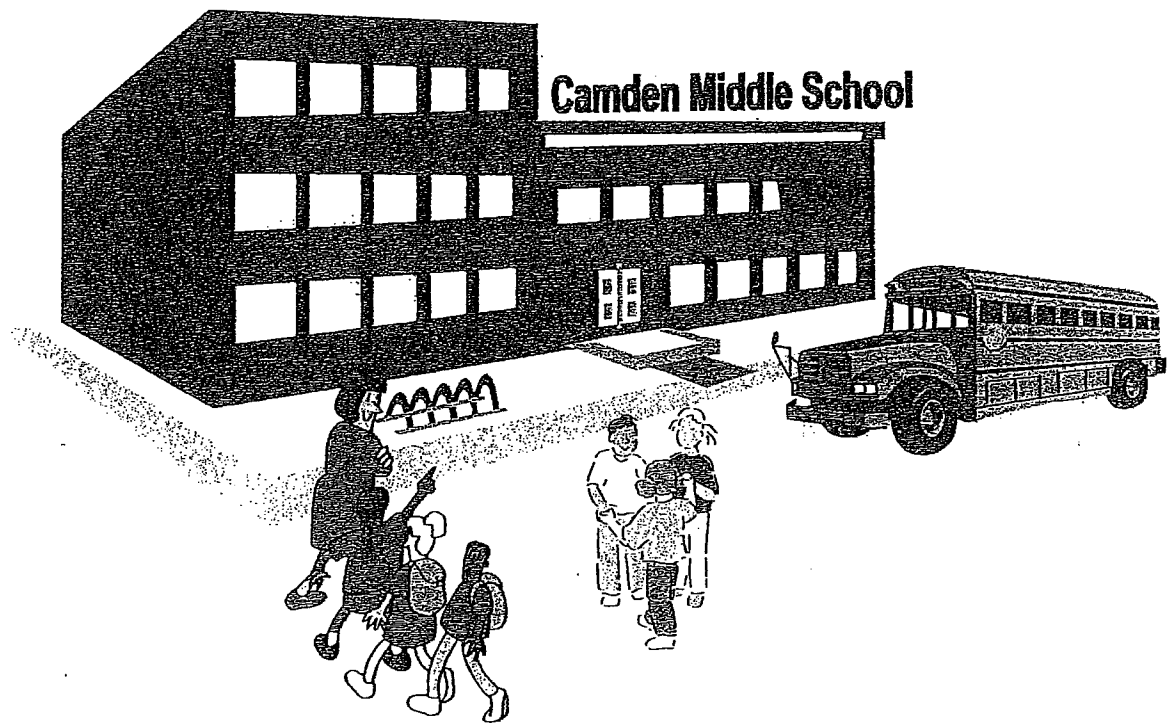
Sign: Parent/Guardian Signature

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 <sup>th</sup> 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."<sup>1</sup> Two additional districts were placed in "early warning" status.<sup>2</sup>

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 11<sup>th</sup> grade class's initial performance on the HSPA .

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<sup>1</sup> Burlington, Camden, Essex, Middlesex, Passaic and Sussex counties

<sup>2</sup> 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*

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## 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

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### 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

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## ***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

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## ***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**

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### **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**

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### **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

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### 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

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### 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

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### 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

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### 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

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### 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

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### **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"...

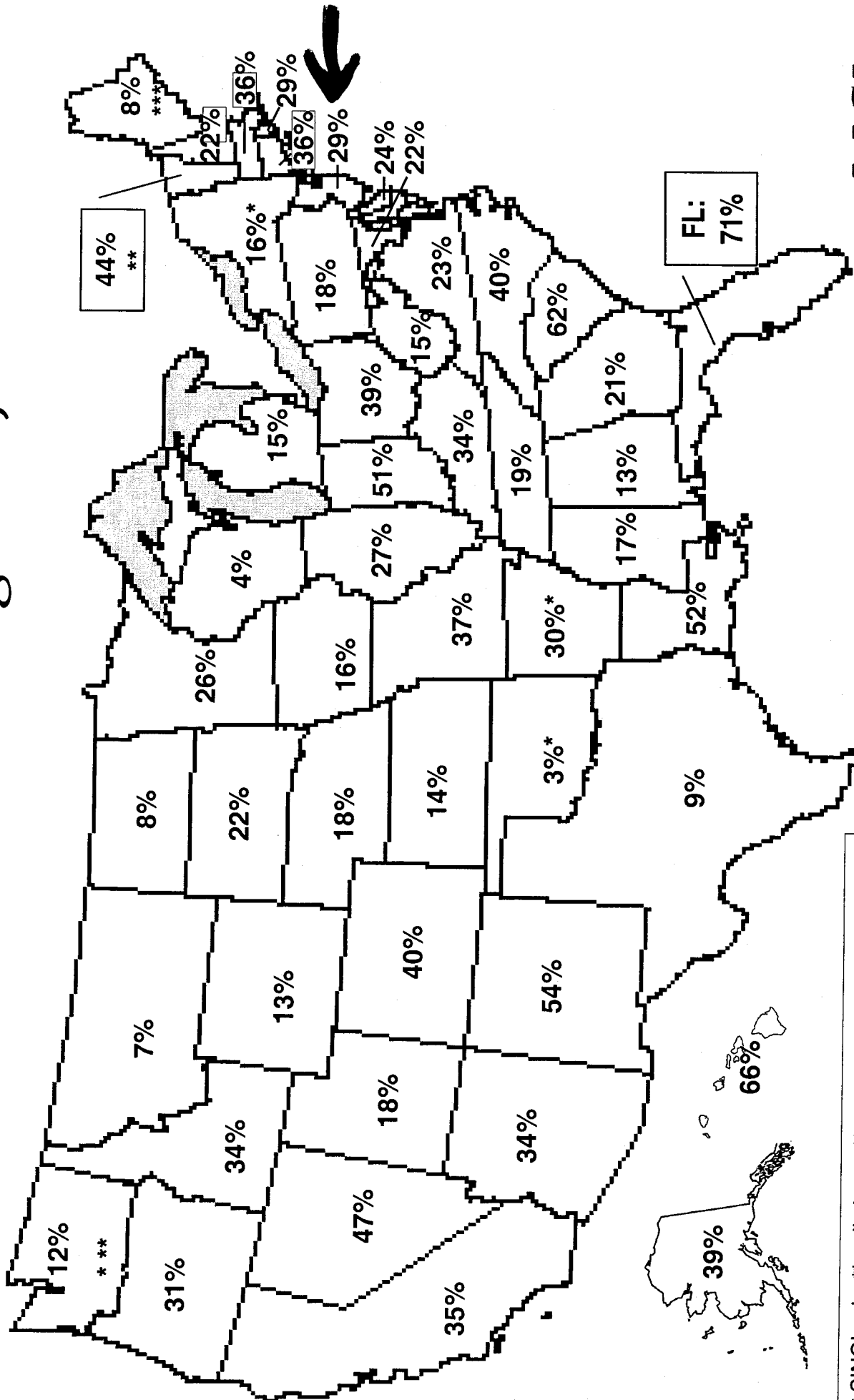
	Participation	Proficiency	Participation	Proficiency	
All Students	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Economically Disadvantaged	<input checked="" type="checkbox"/>	<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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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"/>	
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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?

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### **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?

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**"...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	Karina 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

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### **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

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### **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

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## 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

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## 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

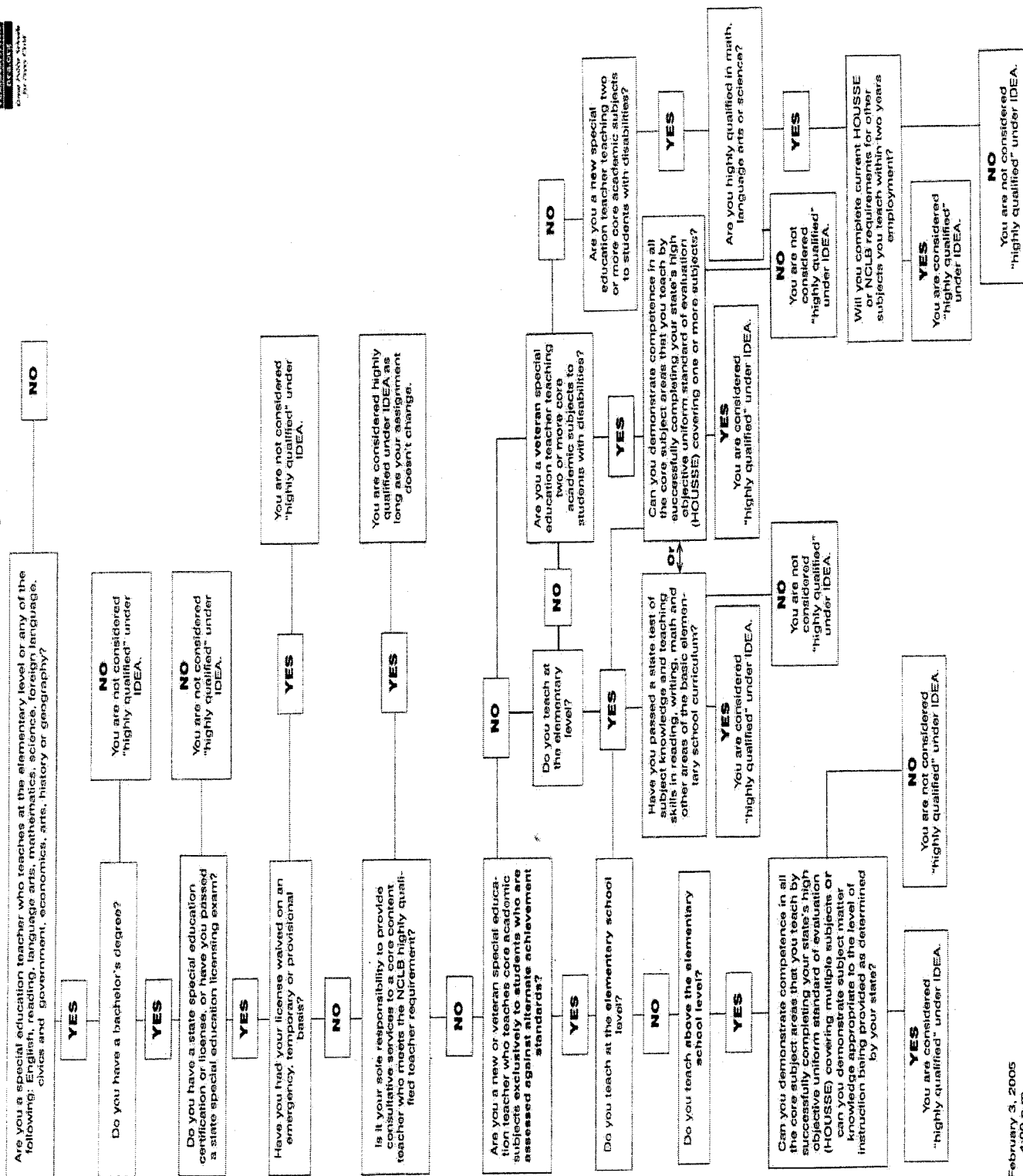
- Highly qualified special education teachers? (see the following “road map”)
- Certifying highly qualified teachers is a state responsibility –unless federal dollars are paying the teacher.

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

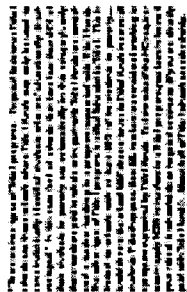
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## **Chapter 5: Highly Qualified Teachers**

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



## Student Name



**Can I get a new passport if my old one is lost or stolen?**

## THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

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### 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

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

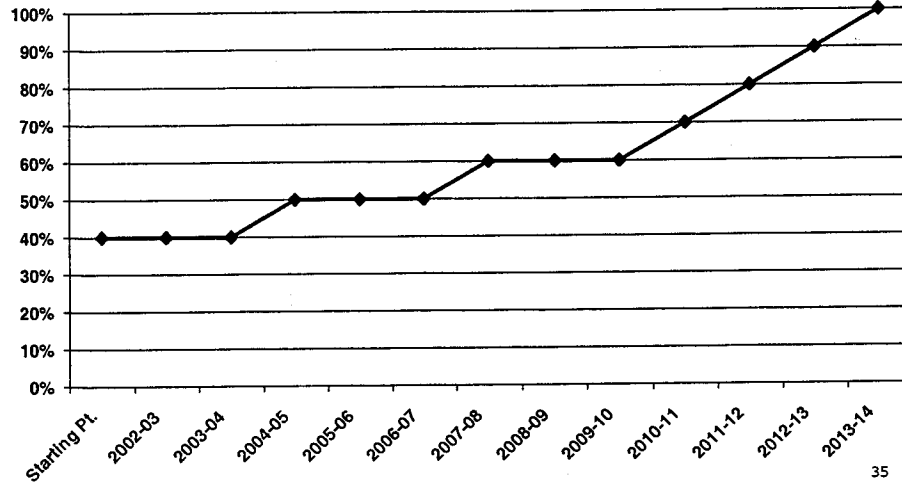
- West Virginia: Study puts WV within 4-6% annual, recurring compliance estimate and in the 8-10% annual, recurring proficiency estimate, for a minimum total of +12% compounded annually.
- WV chose modest path to proficiency by choosing "balloon payment" commitment to reaching 100% proficiency. As a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

34

## No Child Left Behind

### BACKLOADING OR "BALLOON PAYMENT"

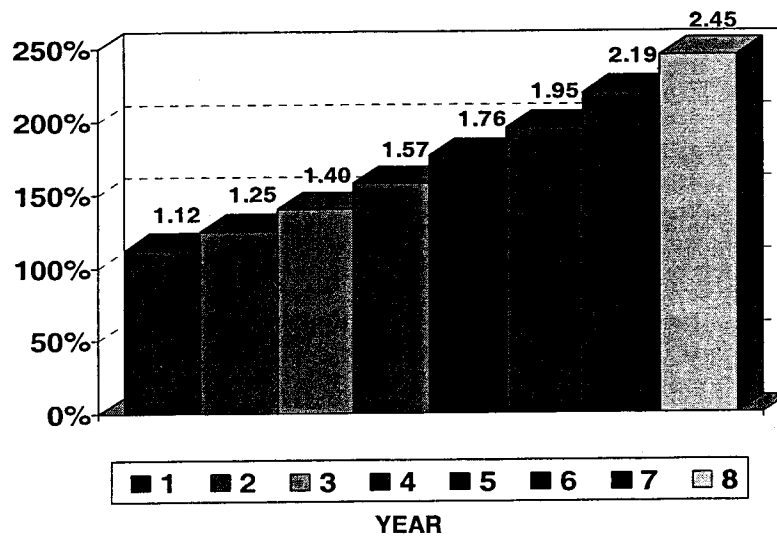
(Source-AASA) 22 states (includes West Virginia)



35

## No Child Left Behind

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



36

## THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

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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

## THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

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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

# THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

## 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%

# THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

## 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 2005-06
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%

# THE NCSL TASK FORCE ON NO CHILD LEFT BEHIND

## 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

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### 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

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### 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

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“Building on Results”	NCSL Recommendations	Comments
<b>Every Child Performing at or Above Grade Level by 2014</b>		
<p><b>Accountability:</b> 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>
<b>Flexibility for Innovation and Improvement</b>		
<p><b>Growth Models:</b> 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><b>Prioritized Support for Schools:</b> 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

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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."	
<b>Flexibility:</b> 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.		
<b>Students With Disabilities</b>		
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  
Recommendations of the NCSL's Task Force on No Child Left Behind

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	disabilities."	
<b>English Language Learners</b>		
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.
<b>Safe Schools:</b> 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>		
<b>Challenging Our Students and Preparing Them to Succeed</b>		
<b>Graduation Rates:</b> 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 <sup>th</sup> 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

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	states prior to NCLB and improperly identifies schools as failures due to the multiple opportunities the law creates for failure."	
<b>Rigorous Coursework</b>		
<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>
<b>Advanced Classes:</b> 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		
<b>High School Students</b>		
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?
<b>Adjunct Teacher Corps</b>		
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  
Recommendations of the NCSL's Task Force on No Child Left Behind

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	the supply of teachers."	
<b>Helping Teachers Close the Achievement Gap</b>		
<b>Teacher Incentive Fund:</b> 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.		
<b>Math Achievement:</b> 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.		
<b>Science Achievement</b>		
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.
<b>Reading Achievement:</b> 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 <b>Reading First</b> initiative has concluded that <b>federal officials violated conflict of interest rules when awarding grants to states under the reading program and steered contracts to favored textbook publishers.</b> The IG's report found that the program is awash with conflicts of interest and willful mismanagement. <b>It also suggests that ED violated the law by attempting to dictate which curriculum schools must use.</b>



## 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

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Rural School Districts		
<p>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>	<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		
<p><b>School Improvement Fund:</b> 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>	<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

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

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<p><b><i>Promise Scholarships:</i></b> <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 10<sup>th</sup> amendment.</p>
<p><b><i>Opportunity Scholarships:</i></b> 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><b>Staffing Freedom at the Most Troubled Schools</b></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 10<sup>th</sup> amendment.</p>
<p><b>Charter Schools</b></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 10<sup>th</sup> 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

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		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)
<b>Supplemental Educational Services (SES)</b>		
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**

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- 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  
Recommendations of the NCSL’s Task Force on No Child Left Behind

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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

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## **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.





NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*



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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*

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*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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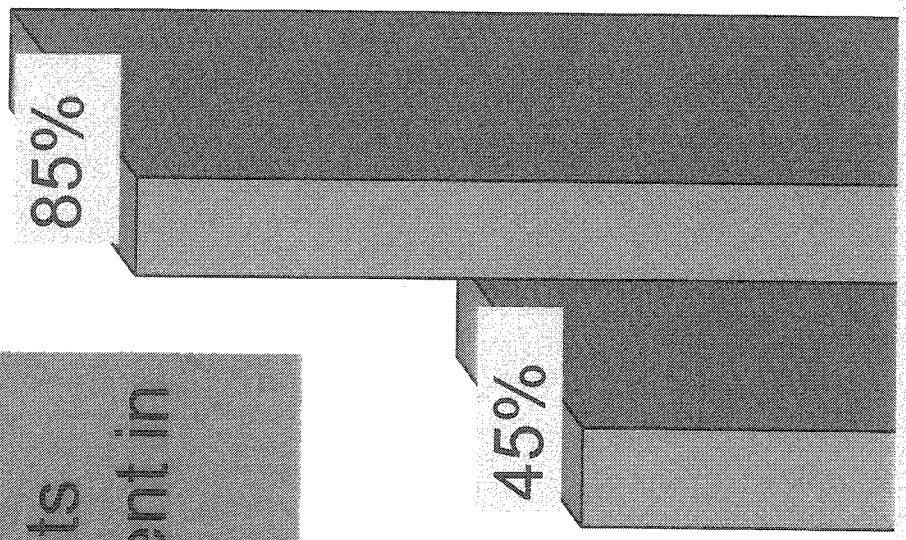
Superintendent of Schools

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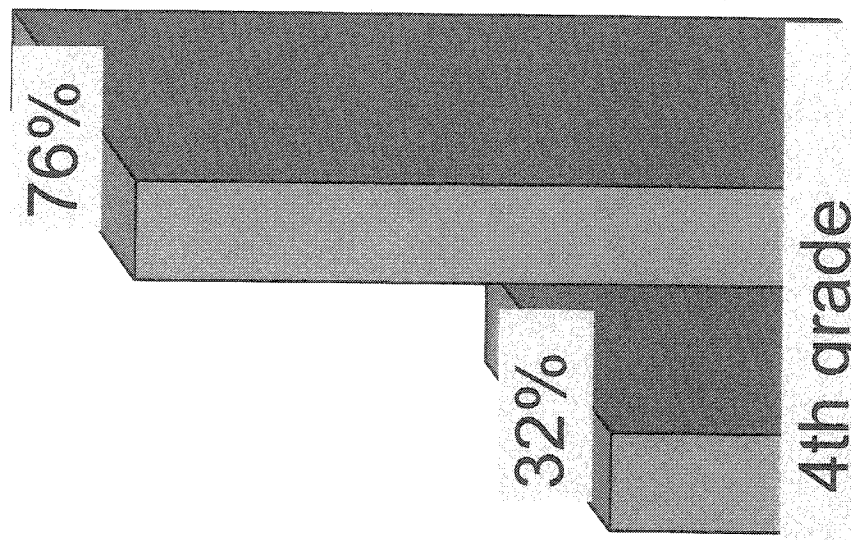
Per Cent of  
Students  
Proficient in  
Math

Hillside Public Schools

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



2nd grade  
2001/02 2006



4th grade  
2001/02 2006

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

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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**

**Assessment and Accountability**

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

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National Conference of State Legislatures, February 2005, © 2005, [www.ncsl.org](http://www.ncsl.org)