Testimony

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

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

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

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

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

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

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

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

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

THE RECOMMENDATIONS

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

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

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

Effective Teachers for All Students, Effective Principals for All Schools

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

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

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

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

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

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

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

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

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

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

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

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

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

Closing Achievement Gaps Through Improved Accountability

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective School Improvement and Quality Student Options

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

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

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

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

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

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

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

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

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

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

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

High Expectations for All Children

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

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

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

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

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

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

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

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

3) Maintain their existing standards and assessments

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

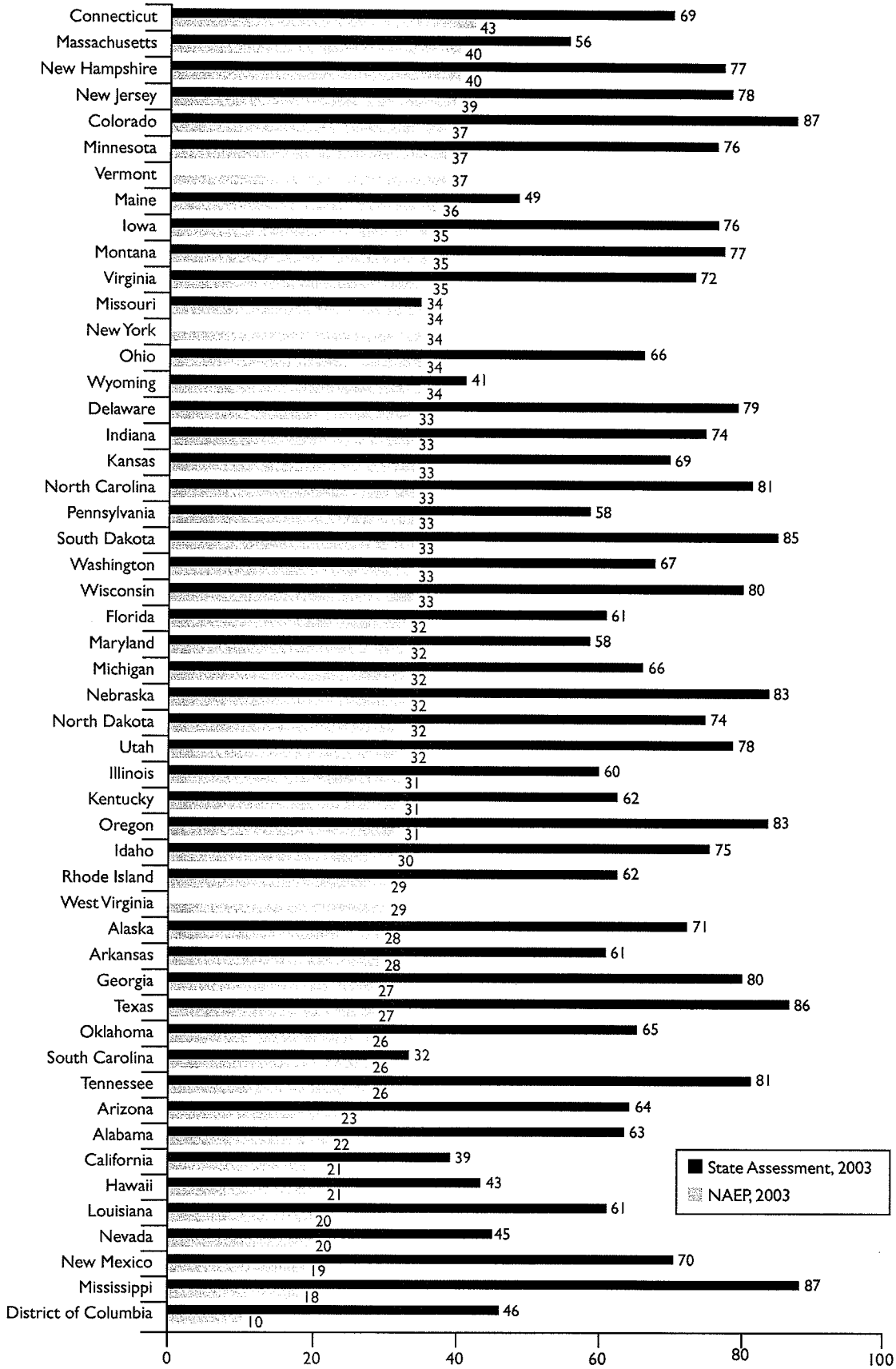
Conclusion

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

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

Thank you and I look forward to addressing your questions.

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



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