LOCAL PERSPECTIVES ON THE NO CHILD LEFT BEHIND ACT

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY AND SECONDARY EDUCATION

COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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LOCAL PERSPECTIVES ON THE NO CHILD LEFT BEHIND ACT

Thursday, April 12, 2007
U.S. House of Representatives
Subcommittee on Early Childhood, Elementary and Secondary Education
Committee on Education and Labor
Washington, DC

The subcommittee met, pursuant to call, at 11:02 a.m., at the Sarvis Conference Center, 1231 East Kearsley Street, Flint, Michigan, Hon. Dale Kildee [chairman of the subcommittee] Presiding.

Present: Representatives Kildee and Davis of Illinois.

Staff Present: Julius Lloyd Horwich, Policy Advisor for the Subcommittee on Early Childhood, Elementary and Secondary Education.

Mr. KILDEE. A quorum being present, the hearing of the subcommittee will come to order.

Pursuant to Committee Rule 12(a) any member may submit an opening statement in writing which will be made part of the permanent record.

I now recognize myself for an opening statement.

I'm pleased to welcome my fellow subcommittee member, Mr. Danny Davis from Chicago, welcome the public and our witnesses to Flint and to this hearing on local perspectives on the No Child Left Behind Act.

In February this subcommittee held its first hearing of the new Congress. I realized then how meaningful it was for me to hold a gavel again after twelve years. It is nice. And it's even more meaningful for me today to hold that gavel here in Flint, Michigan, where I was born, raised and taught just across the campus here at Flint Central High School.

As chairman of this subcommittee one of my top priorities is to work with my colleagues, Democrats and Republicans, and educators in Michigan and around the country to improve and reauthorize the No Child Left Behind Act.

We in Michigan know better than anyone else that our success in the 21st century economy will be directly tied to our ability to continue to produce a high quality trained and educated work force. And that ability is, of course, directly tied to our ability to provide every child with a world class education.

Since 2002 Congress and the President have underfunded No Child Left Behind by $56 billion. Last year alone fully funding No

Child Left Behind would have meant an additional $331 million for Michigan schools.

Now, $331 million in that one year alone would have made a tremendous difference in how we could implement No Child Left Behind. It has become really an underfunded mandate.

There are other things in the bill that we'll work on too, but we've got to work hard with the appropriators to make sure that you have the resources to carry out whatever mandates are in No Child Left Behind.

As a matter of fact, the President's proposed budget for fiscal 2008, the one we're working on right now, would bring that total up to $71 billion underfunding. However, I'm hopeful that with the changes in Washington this year we'll start to do better.

But funding is only one part of improving No Child Left Behind. We need to understand the impact that No Child Left Behind has on academic standards and how it can support standards that will help our students compete with students around the world. We need to know about the quality of tests under No Child Left Behind—That's very important, the quality—including those tests for limited English proficient students and students with disabilities, and how No Child Left Behind can support educators' interests in high quality tests that help teachers diagnose students' strengths and weaknesses.

We'll look at the indicators that determine Adequate Yearly Progress and at different models such as growth models. And I invite any of you to discuss growth models. We'll hear your testimony first, and we'll be asking questions and we can do a little freewheeling at that point.

And tell us what we need to know about our schools and how growth models maybe can help those schools get credit for the progress they make.

And with regards to the effects of not making AYP, including public school choice and tutoring, we will ask how the law can best help each student and also help schools and school systems implement long-term systemic reforms.

Because basically the structure of No Child Left Behind is standards, tests to those standards, adequate yearly progress, and then effects, consequences, whatever you might want to call them. And those four elements will probably remain in place, those four elements, standards, tests, AYP and the consequences of not meeting AYP.

Some use harsher terms than consequences. I very often use the neutral term effects, but we'll ask you to comment on that also.

So I look forward to hearing from our witnesses. We have a wide range of local perspectives on how No Child has worked and what we can do to make it work better. And I'm confident that your testimony will play an important role in the committee's understanding of how the law has impacted not only Flint, Bay City, Saginaw, Genesee County, Saginaw County, Bay County, Tuscola County, but also places like them all around the country.

So I look forward to working with Mr. Davis and with my ranking member, Governor Castle, who is the ranking republican member of this subcommittee, former governor of Delaware, and a person who approaches this, as Mr. Davis will tell you, without any

partisanship. We are blessed in our committee to have Governor Castle as the ranking republican member. And also we have Mr. McKeon from California as the ranking member of the full committee.

So I thank all of you for being here. I'm going to call upon my colleague Danny Davis.

Danny was chosen by the people of the seventh congressional district of Illinois to serve them in 1996. Prior to becoming a member of Congress he has a rich background. He served on the Cook County board of commissioners for six years. Previously he served for eleven years as a member of the Chicago City Council as alderman for the 29th ward. And you know if you can survive Chicago politics you can survive anything.

Before seeking public office Congressman Davis has had productive careers as an educator, community organizer, health planner, administrator and civil rights advocate. He's received hundreds of awards from around the country. He's traveled around the world. He brings to this committee a very rich background. It's my pleasure to yield to Mr. Davis for his opening remarks.

Mr. DAVIS. Thank you very much.

Thank you very much, Mr. Chairman. And let me first of all indicate how pleased and delighted that I am to be in Flint, Michigan, a city with a long history, a city that represents much of the core of what America is like. It represents much of what America has been, but also much of the promise of what America is to become. And so I'm pleased to be here to join with you.

I want to commend you for the tremendous leadership that you have provided as a member of Congress as you continue to serve as the second ranking democrat on the full education committee, working with our chairman George Miller from California, and also for the stellar performance that you have provided as chairman of this subcommittee. I think that all of America is indeed fortunate that we have a Dale Kildee in the United States House of Representatives, and I thank you.

Being here for me is very interesting. I come to my notions about education from many factors and different vantage points. First of all, I grew up in rural Arkansas, went to a one-room school where one teacher, Ms. King, taught eight grades plus the little primer and the big primer all at the same time.

Matter of fact, a school year for us was five months. I never went to school more than five months during the time that I was growing up as a youngster. We attended school January, February, March, April. School ended the first week of May, and then we attended again from about the middle of July until the middle of August.

But people in our communities and our neighborhoods valued education. As a matter of fact, my father, who finished the fourth grade, used to tell us that the real value of education was that the more you learn the more you realize how little you know.

And of course we were taught to read, and we read many biographies. Abraham Lincoln supposedly said at one time that education makes a man easy to lead but difficult to drive; easy to govern, but impossible to enslave.

Of course Malcolm X had something that he said in terms of education is our passport to the future, for our tomorrow belongs to those who prepare today.

One of my favorites, though, about education is something that Harriet Tubman was supposed to have said, and that is "Education is a good thing. Some folks say that it makes fools out of people." But then she turned around and said, "But I know more fools who don't have any. And if you're going to be a fool, it's best to be an educated fool."

And so when we approach No Child Left Behind, when we approach theories and practices, when we seek solutions and improvements I think about the fact that finding solutions to problems we face in education, meeting the needs and facing the challenges is sort of like a person getting religion. I've never known anybody to have enough. Everybody that considers themself to be seriously religious is always trying to get a little bit closer. You know, we look at some of the songs that people sing, "Just a Closer Walk With Thee."

And so when we look for solutions to finding ways to help young people to learn, to help school districts to be more effective, to help teachers whom I consider to be the salt of the earth, pillars of the universe, individuals who give of themselves for the benefit of others, as we put all of these things together a big question becomes are we really willing to pay the price that is necessary to achieve the goals and objectives that we seek?

Frederick Douglass, whom I admire for the thought of telling the truth a great deal, suggested that there was one thing he knew if he didn't know anything else, and that is that in this world we may not get everything that we pay for but we most certainly will pay for everything that we get. And if we're going to pay to have the kind of education system, if we're going to pay to have the kind of professionalism, if we're going to have the kind of administrators, the kind of checkpoints and checkmarks that the No Child Left Behind legislation suggests that we ought to have then we're going to have to also pay in money.

I don't believe that money solves everything, and I don't believe that everything is solved, but I do believe that in order to have resources balanced you must realize what it is that you want and then be prepared to pay to make it happen.

I commend all of our witnesses who have come, and I know that we're going to hear some interesting and exciting concepts. But I also believe that at the end of the day the real way that we have the best education systems is to make sure that there is something that I call serious involvement and participation of local residents, serious involvement of parents, of people in the community.

If a community determines that education is valuable to it and to its children, I guarantee you there will be achievement no matter what the socioeconomic status.

And so again, Mr. Chairman, I thank you for holding this hearing. It's my pleasure to be here with you, commend you for what you have done over the past thirty years or so that you've been a member of Congress, and of course if the people of Flint and the surrounding area is willing then maybe you'll spend thirty more.

Thank you so very much.

Mr. KILDEE. Thank you very much, Danny.

I think you understand now why the people of the seventh district of Illinois keep sending Mr. Davis back to Congress. Obviously you saw his intellect, and also I pray why can't Dale Kildee have a voice like Danny Davis?

We have five witnesses here today. There are some I know who want to submit testimony for the record. And if you do want to submit testimony, Lloyd Horwich is the counsel for this subcommittee. Contact him and we will make sure that that becomes part of the official record. We'll leave the record open for seven days for that purpose, as we generally do for members of Congress, too.

I would like to introduce the very distinguished panel of witnesses with us here today.

It is particularly a pleasure to introduce the first witness, David Solis. He's the Director of State, Federal and local programs for the Flint Community Schools and a former teacher. In 2005 he received the Educator Award from the Michigan Association of State and Federal Program Specialists. And in 1985 and '86 David Solis worked for me in Washington, D.C., and left Washington in a blaze of glory, having helped rewrite the Elementary and Secondary Education Act, played a major role in that rewrite, and particularly great emphasis on updating bilingual education, made some profound changes in bilingual education. Then he came back to Flint here and worked for me in Flint, and then returned to his first love, education, and has his present position today.

Jan Russell is Assistant Superintendent for Special Services for the Genesee Intermediate School District. He is responsible for programs and services for more than 11,000 students with disabilities. GISD's special services has been recognized for its innovative programs for its students with severe disabilities and the use of technology in special education.

And Steve Burroughs is President of the United Teachers of Flint and taught in the Flint city schools for fifteen years.

Andrea Debardelaben is a day-care provider and has been a member of the Michigan PTA for eight years. She's a parent of two sons who attend Longfellow Elementary School in Saginaw and a daughter who attends the Saginaw Arts and Science Academy, good schools in my congressional district.

And, Don Tilley is Chair of the Social Studies Department and a social studies teacher at Bay City Central High School. In 2001 he was named the Saginaw Valley High School Association Teacher of the Year. In 2006 he was elected a Bay County commissioner in the ninth district in Bay County. He and I had the pleasure of knocking on doors together up in Bay County.

For those of you who have not testified before the subcommittee, I'll explain our lighting system and the five-minute rule.

Everyone, including members, is limited to five minutes of presentation or questioning, and the green light will be illuminated when you begin to speak, and when you see the yellow light it means that you have one minute remaining, and when you see the red light it means that your time has expired and you need to conclude your testimony. There's no ejection seat, however. We'll let you finish your paragraph or your thought.

But please be certain as you testify to turn on and speak into the microphone in front of you and turn it off when you have finished. Our court reporter has to be able to hear every word so we have a correct record.

We'll now hear from our first witness, Mr. David Solis.

STATEMENT OF DAVID SOLIS, DIRECTOR OF STATE, FEDERAL AND LOCAL PROGRAMS, FLINT COMMUNITY SCHOOLS

Mr. SOLIS. Chairman Kildee, Congressman Davis, it is indeed an honor and a pleasure to be here to be able to testify before this subcommittee.

I'm here on behalf of our superintendent, Dr. Milton.

Mr. KILDEE. Pull the mic a little closer to you.

Mr. SOLIS. Flint is the birthplace of General Motors, the home of Charles Stewart Mott Foundation and the birthplace of the Community Schools Concept.

The school district is an urban school district with a dwindling student population. At its peak the district had approximately 47,000 students. Due to economic factors, particularly the downsizing of the automotive industry, thousands of jobs have been lost. Consequently, the student population has declined to approximately 16,500 students and the city's population is expected to decline from the last census count of 124,943 people.

The school district is currently comprised of 45 schools that include 25 community elementary schools, four foundation, success and commencement academies and six specialty schools. Some 70 percent of the students receive free or reduced price lunches and milk. Thirty-eight of the forty-five schools in the district are above 35 percent low income and qualify for Title I services, and 35 have a poverty level equal to or greater than 50 percent. And as we know, the purpose of Title I is to improve the academic achievement of the disadvantaged, and we have a large population of disadvantaged students.

How has NCLB supported our reform effort here? NCLB funding has played an integral part in the Flint Community Schools' Academic Reform Model.

The reform model incorporates the six essential components for highly effective learning communities. First, valid and reliable assessments. Second, scientifically based curriculum and instruction. Third, sustained professional development. Fourth, capable leadership. Fifth, responsible fiscal management. And finally, parent involvement and community relations.

A significant amount of the resources provided under NCLB have been utilized for the implementation of the six essential components. Ongoing assessments of our students have made it available with these funds. The assessments provide teachers with data to drive instruction based on the academic needs of our children.

NCLB funds have assisted with the purchase of scientifically based curriculum materials for supplemental intervention services for students performing below grade level. Sustained professional development has been made available to principals, teachers and paraprofessionals as well as other staff. In addition, a leadership institute with the University of Michigan is currently being implemented for our administrative staff.

NCLB funds continue to support parent involvement and assist with Title I parent advisory councils in all our Title I buildings. And they're very active councils.

Also, NCLB has provided for the establishment of our Mentors Committed to Excellence program.

NCLB has also provided for limited, and let me repeat that, limited opportunities for secondary schools as indicated. And as Chairman Kildee had mentioned, we are currently underfunded.

These are some of the limited high school reform initiatives that we have embarked upon: Schools within schools. Ninth grade academies. Increased focus on literacy. Adding rigor and relevance to the academic program. Increasing student-teacher and student-counselor relationships. Increased focus on differentiated learning, including gender based programs, gifted and talented programs.

Once again, these resources are limited for our secondary reform initiatives.

Also, how has the funding from NCLB impacted our district? Well, it has had a significant impact. For example, Title I Part A, we had $15.5 million through the funds that are driven to this district under Title I Part A.

With these funds we have reading and math intervention teachers for our Push-in, Pull Out, Whole-Part-Whole academic strategies.

It also provides for our Tier 1 coaches for the four core subjects. And the coaches are the ones that review all the materials to ensure that they will address the academic needs of children that are performing below grade level. Once again, they address the areas of ELA, mathematics, science and social studies.

We have parent facilitators in most of our buildings. Once again, it's a function of the budget. And as we drive the funds to the buildings, buildings have to make tough decisions on what they can fund through the Title I funds. Most of our buildings have Title I parent facilitators that do provide support for our parents, and each one conducts a monthly Title I parent involvement meeting.

We also have Title I Parent Advisory Councils, not only at the building level but at the district level.

We have behavioral specialists who work with children so that we don't suspend or expel children. If they are having difficulty in terms of behavior we have behavioral specialists to work with them in terms of working with their behavior so they are not out of school.

We also have computer technologists that provide the integration of technology into our curriculum. Also they provide support for our children and teachers in terms of any computer-based programs that we have implemented. It provides for intervention, supplies and materials.

Extended day learning opportunities, extended year learning opportunities—and I'm speeding it up because I know my time is up, but these are our after school programs, our summer school programs, our Mentors Committed to Excellence and professional development.

Now, I'm just going to briefly go through these other ones. Education of migratory children provides for paraprofessionals, migrant recruiters, parent coordinators for health and social needs.

Title II is a very significant funding source for us here. It provides for Tier 2 coaches that provide academic instructional models within the classroom to provide coaching for other teachers that are there to assist our children.

Title III, which is our limited English proficient funds, we have a parent coordinator, translators and paraprofessionals. We have 600 students that are LEP. Once again, there's a need for additional funds for Title V, innovative programs, and those are to fund our IB program, our international baccalaureate program.

So at this point I will conclude, because I know my time is up, but there are some challenges we face. Most of them deal with the appropriate level of funding to fully implement all these reform models that will have a dramatic impact on our students.

Thank you very much.

[The statement of Mr. Milton follows:]

Prepared Statement of Dr. Walter Milton, Jr., Superintendent, Flint Community Schools

Chairman Kildee and Members of the Subcommittee, thank you for the opportunity to testify this morning.

Introduction

Flint is the birthplace of General Motors, the home of the Charles Stewart Mott Foundation, and the birthplace of the Community Schools Concept. The school district is an urban school district with a dwindling student population. At its peek, the district had approximately 47,000 students. Due to economic factors, particularly the downsizing of the automotive industry, thousands of jobs have been lost. Consequently, the student population has declined to approximately 16,500 pupils, and the city's population is expected to decline from the last census count of 124,943 people.

The school district is currently comprised of 45 schools that include 25 community elementary schools, four foundation, success and commencement academies and six specialty schools. Some 70% of the students receive free price lunches and milk. Thirty-eight of the 45 schools in the district are above 35% low income and qualify for Title I services, and, 35 have a poverty level equal to or greater than 50%. The purpose of Title I is to improve the academic achievement of the disadvantaged.

NCLB and Flint Community Schools' Reform

NCLB funding has played an integral part in the Flint Community Schools' Academic Reform Model. The reform model incorporates the six essential components for highly effective learning communities:

1. Valid and Reliable Assessments
2. Scientifically Based Researched Curriculum and Instruction
3. Sustained Professional Development
4. Capable Leadership
5. Responsible Fiscal Management
6. Parent Involvement and Community Relations

A significant amount of the resources provided under NCLB have been utilized for the implementation of the essential components. Ongoing assessments of our students have been made available with these funds. The assessments provide teachers with data to drive instruction based on the academic needs of the children.

NCLB funds have assisted with the purchase of scientifically based curriculum materials for supplemental intervention services for students performing below grade level. Sustained professional development has been made available to principals, teachers and paraprofessionals as well as other staff. In addition, a Leadership Institute with the University of Michigan is currently being implemented for our administrative staff.

NCLB funds continue to support parent involvement and assisted with Title I parent advisory councils in all our Title I buildings. Also, NCLB funds have provided for the establishment of our "Mentors Committed to Excellence" program.

NCLB has also provided for limited opportunities for secondary schools as indicated below.

High School Reform Initiatives:

- Schools within schools

- Ninth Grade Academies
- Increased focus on literacy
- Adding rigor and relevance to the academic program
- Increasing student-teacher and student-counselor relationships
- Increased focus on differentiating learning, including:
- gender-based programs
- gifted and talented programs

NCLB Support to Flint Community Schools

The following is a list of staff and programs funded with NCLB.

Title I, Part A—Improving the Academic Achievement of the Disadvantaged

- Reading and mathematics intervention teachers (Push-in, Pull Out, Whole-Part-Whole)
- Tier 1 Coaches—ELA, Mathematics, Science and Social Studies
- Parent Facilitators
- Title I Parent Advisory Councils
- Behavioral Specialists
- Computer Technologist
- Intervention Supplies and Materials
- Extended Day Learning Opportunities (After School Academic Program)
- Extended Year Learning Opportunities (Summer School Program)
- Mentors Committed to Excellence
- Professional Development

Title I Part C—Education of Migratory Children

- Paraprofessionals
- Migrant Recruiter
- Parent Coordinator—Health and social needs

Title II, Part A—Preparing, Training, and Recruiting Highly Qualified Teachers and Principals

- Tier 2 Coaches—Elementary and Secondary Schools
- Professional Development in the four core academic subject areas

Title III—Language Instruction for Limited English Proficient Students

- Parent Coordinator
- Translator
- Paraprofessionals

Title V, Part A—Innovative Programs

- Funds for application for the International Baccalaureate Program
- Supplies and materials for International Baccalaureate Program

Title VII—Indian, Native Hawaiian, and Alaska Native Education

NCLB Challenges

- Funding for additional coaches, intervention teachers
- Funding to attract Highly Qualified Staff to urban areas
- Demonstrated student achievement of 100 % proficient including special education students
- SES and Choice set-aside
- 15% carryover limit
- SES alignment with school reform
- Cuts in Title IID—Technology
- Cuts in Title V—Innovative Program Funds (IB program)

High School Reform Barriers to Success

- Lack of financial resources
- Lack of human resources including
- Counselors
- Coaches
- Intervention Teachers
- Math and Science teachers
- Career Tech teachers

Mr. KILDEE. Thank you, Mr. Solis. And all your testimony, and some may have even more extensive than what they will be read-

ing, all of your testimony will be included in its entirety in the record.

So I call upon Mr. Russell.

STATEMENT OF JAN D. RUSSELL, ASSISTANT SUPERINTENDENT, GENESEE INTERMEDIATE SCHOOL DISTRICT

Mr. RUSSELL. I want to thank you, Chairman Kildee and members of the subcommittee, for this opportunity to provide this testimony as you engage in the process of reauthorizing No Child Left Behind. And we also appreciate your decision to host this hearing in our community as well.

As indicated, my name is Jan Russell, assistant superintendent, Genesee Intermediate School District.

GISD is a regional education service agency serving the 21 public school districts and 10 public school academies in Genesee County. Its annual budget is over $151 million, and the organization employs over a thousand staff members.

Genesee County, of course, as you know, is located in lower southeast Michigan and is the fifth most populous county in Michigan with a student population over 85,000.

And, of course, Genesee County has urban, suburban and rural populations, adding to the diversity of cultures and accessibility of services in the county. Of course, as you know, Flint with 29 percent of the county's total population is the urban and geographic center of the county and the fourth largest city in the state.

In GISD's Department of Special Services, we coordinate special education for over 11,000 students with disabilities who reside in our local districts. We provide consultation, physical and occupational therapy, school social work, student evaluations, and many other services on behalf of our districts.

We provide classroom programs to nearly 1,000 students in three center facilities. Two of our centers, Elmer Knopf Learning Center and Marion Crouse Instructional Center house programs for students with autism spectrum disorder, cognitive impairment and students with multiple impairments.

Our local districts refer these students because they, and, most importantly, their parents, believe that an appropriate education can only be provided in a special school, a special school that is specifically designed to meet the individual needs of each student.

These needs are addressed through individualized education programs, or IEPs, that focus on functional skills, such as personal care and independence, feeding, basic communication of wants and needs, management of unstructured time and the full access to the community.

Our services are provided by highly skilled teachers and support staff who also address other student needs such as toileting, seizures, mobility, communication, assistive technology, medical care for personal equipment, such as tracheal tubes and respiratory or breathing apparatus, and a whole host of other special services that I would maintain most citizens don't even realize that schools have to provide in schools.

All of our students take the alternate assessment called MiAccess, which is Michigan's assessment instrument for students with severe disabilities. None of our students are in a course of

study that leads to a high school diploma. Furthermore, our individualized education programs are developed and approved by parents and teachers, those closest to our students.

The Individuals with Disabilities Education Improvement Act of 2004, as you know, requires many things of our school districts. The heart and soul of IDEA is that we must provide a free and appropriate public education to each individual student with a disability in the least restrictive environment, generally up to the age of twenty-one, even though in Michigan we require that those services be provided up to the age of twenty-six here.

IDEA also requires that we have a full continuum of placements and settings for our students, including special schools like Marion Crouse and Elmer Knopf.

Now, the important issue that I want to bring to your attention today is that No Child Left Behind requires that every district and school building must make Adequate Yearly Progress, or AYP, in meeting the goal of 100 percent proficiency on state assessments. This is measured by standardized tests that reflect a universal standard for all students.

There are no such universal academic standards for students with severe disabilities. In contrast, we are accountable to our parents for the IEPs we develop together for our special students. Therefore, we must determine our success on the achievements of each student based on his or her unique educational plan.

While NCLB as implemented allows a percentage of students with disabilities to be measured against alternate or modified standards, we do not believe that the law contemplates school districts such as GISD in which virtually all of the students for whom we are accountable, those in our Crouse and Knopf centers, fit under the definition of students who should be measured against alternate or modified assessments.

So in conclusion, we believe that the law should recognize unique districts such as ours with an accountability system that allows for the fact that we do not fit the standard mold, and also it should incorporate our students' IEPs and measurements of progress based on each individual student's goals.

We find it neither accurate nor appropriate that we might be designated as not making AYP because of an accountability system that does not match what our students and their families need.

So thank you again for this opportunity, and of course at the end of testimony I'd be glad to answer any questions.

[The statement of Mr. Russell follows:]

Prepared Statement of Jan D. Russell, Assistant Superintendent, Genesee Intermediate School District

I want to thank you Chairman Kildee and members of the subcommittee for this opportunity to provide this testimony as you engage in the process of reauthorizing the Elementary and Secondary Education Act, known as No Child Left Behind. We appreciate your decision to host this hearing in our community.

My name is Jan Russell, Assistant Superintendent, Genesee Intermediate School District.

Genesee Intermediate School District (GISD) is a Regional Educational Service Agency serving the 21 public school districts and 10 public school academies in Genesee County. Its annual budget is over $151 Million and the organization employs over 1,000 staff members. Genesee County is located in lower southeast Michigan and is the fifth most populous county in Michigan. Its student population is 85,000.

Genesee County has urban, suburban and rural populations, adding to the diversity of cultures and accessibility to services in the county. Flint, with 29% of the county's total population, is the urban and geographic center of the county and the fourth largest city in the state.

In GISD's Department of Special Services we coordinate special education for over 11,000 students with disabilities who reside in our local school districts. We provide consultation, physical and occupational therapy, school social work services, student evaluations, and many other services on behalf of our districts. We provide classroom programs to nearly 1,000 students in three center facilities. Two of our centers, Elmer Knopf Learning Center and Marion D. Crouse Instructional Center, house programs for students with Autism Spectrum Disorder, Cognitive Impairment, and students with Multiple Impairments. Our local districts refer these students because they, and most importantly, their parents, believe that an appropriate education can only be provided in a special school: a special school that is specifically designed to meet the individual needs of each student.

These needs are addressed through Individualized Education Programs (IEPs) that focus on functional skills such as personal care and independence, feeding, basic communication of wants and needs, management of unstructured time, and fully accessing their community. Our services are provided by highly skilled teachers and support staff who also address other student needs such as toileting, seizures, mobility, communication, assistive technology, medical care for personal equipment such as tracheal tubes and respiratory or breathing apparatus, and a whole host of other very special services that most citizens would not believe are required to be provided in schools. All of our students take the alternate assessment, called MiAccess, which is Michigan's assessment instrument for students with severe disabilities. None of our students are in a course of study that leads to a high school diploma. Furthermore, our individualized educational programs are developed and approved by parents and teachers; those closest to our students.

The Individuals with Disabilities Education Improvement Act of 2004 requires many things of school districts. The heart and soul of IDEA is that we must provide a free and appropriate public education to each individual student with a disability in the least restrictive environment, generally up to the age of twenty-one, while Michigan requires that services be provided up to the age of twenty-six. IDEA also requires that we have a full continuum of placements and settings for our students, including special schools like Marion Crouse and Elmer Knopf.

The important issue that I want to bring to your attention today is that No Child Left Behind requires that every district and school building must make adequate yearly progress (AYP) in meeting the goal of 100% proficiency on state assessments. This is measured by standardized tests that reflect a universal standard for all students. There are no such universal academic standards for students with severe disabilities. In contrast, we are accountable to our parents for the individualized programs we develop together for our special students. Therefore we must determine our success on the achievements of each student based on his/her unique educational plan. While NCLB as implemented allows a percentage of students with disabilities to be measured against alternate or modified standards, we do not believe that the law contemplates school districts such as GISD, in which virtually all of the students for whom we are held accountable—those in our Crouse and Knopf Centers—fit under the definition of students who should be measured against alternate or modified assessments.

In conclusion, we believe that the law should recognize unique districts such as ours with an accountability system that allows for the fact that we do not fit the standard mold and incorporates our students' IEPs and measurements of progress based on each student's goals. We find it neither accurate nor appropriate that we might be designated as not making AYP because of an accountability system that doesn't match what our students and their families need.

Thank you once again for this opportunity and would be glad to answer any questions.

Mr. KILDEE. Thank you, Mr. Russell.

Mr. Burroughs.

STATEMENT OF STEVE BURROUGHS, PRESIDENT, UNITED TEACHERS OF FLINT

Mr. BURROUGHS. Chairman Kildee and Representative Davis, I thank you for the opportunity to speak to the subcommittee today

on these very important issues. I am honored to be able to represent the United Teachers of Flint, the Michigan Education Association and the 3.2 million members of the National Education Association.

I'm a proud product of Flint Community Schools. I taught elementary school for fifteen years in the Flint Public Schools, and I currently serve for the last six years as president of the United Teachers of Flint. My daughter also went to the Flint Public Schools, and I hope my five-year-old grandson will have an opportunity to go to the Flint Community Schools.

Let me give you a picture of the challenges facing the Flint Community Schools as they work to provide students with a great public education they so richly deserve.

As Mr. Solis mentioned, we have so many children in need in this community and many of them qualify for free lunch.

This district is financially strapped and is currently running a $13 million deficit. Violence is an everyday concern in most of our schools. Our class sizes can average between 35 and 38 students per class.

We have a difficult time attracting and retaining teachers in our most needy schools. Given the choice, many of our young teachers choose to leave Flint as soon as an opportunity presents itself or to pursue other careers that are less stressful and environments which have better compensation.

Like many urban and rural districts, Flint schools have gaps in access to after school programs and extended learning time. We have curriculum gaps, preventing students from accessing a rich and broad curriculum.

Many of our schools do not have access to arts, advanced placement or physical education courses, nor do they have access to innovative curriculum such as information literacy, environmental education, and also financial literacy.

We have also had significant infrastructure and school environment gaps that hamper learning. We have so many old buildings that were built at the turn of the century.

While one of the primary purposes and goals of No Child Left Behind is to close the achievement gaps, this has not been the outcome.

Let me read the words of a teacher from Delton, Michigan. And this is an example we can spread all the way across the state of Michigan, especially in Flint.

"I had a third grade student who was far below grade level in all subjects. She needed extra help in order to have any chance of keeping up with our class. I placed this child on the Reading Recovery teacher's list, but I was told that they could not accept this child into the reading class because this student was so far behind and that she didn't have a chance of catching up enough to pass the standardized test. The goal was not to help those who needed the help, but to help only those who may be able to pass a test if given a little help. Are we leaving students behind because of No Child Left Behind? I think so."

My colleagues and I are not afraid of accountability. We simply do not see the current system as fair or effective. If the No Child Left Behind accountability system were applied to other professions

eventually lawyers would have to win every case and doctors would have to cure every patient.

We should employ multiple measures in asserting both individual student learning and overall school effectiveness in improving student learning.

States should be permitted to design richer, more accurate systems based on a wide variety of factors, including growth models, that should be weighed in making determinations about whether or not a school is high performing.

We also need to ensure that our schools are infused with a 21st century curriculum. How? Here are just a few ideas.

Fund grants to states that develop 21st century content and authentic assessments that measure 21st century skills and knowledge. Reform our secondary schools so they encourage as many students as possible to attend college and provide course work to reduce dramatically the need for remediation in college. We have to address the dropout crisis. Estimates in Flint put graduation rates at below 50 percent, an unacceptable situation that must be remedied.

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

We need to address working conditions by restoring a separate funding stream to help states reduce class sizes.

And I see my time is up. I'm running very, very short here. There's just one thing I wanted to add. There's a lot of things here I could talk about. But as I sit in this room, in all due respect to what happened in Louisiana and the Gulf Coast where they had a hurricane, as we sit here today we're in the eye of a hurricane here, and it's an economic hurricane.

And as you know, our standard of living has been—well, at one time Flint in the 1970s had one of the highest per capita incomes in the United States of America, and that would also apply to my colleagues in Saginaw and also Bay City.

We've been turned upside down, and I guess what I'm telling you is we need a little help. This is a very, very proud community and a very, very proud area of the state.

Why I bring this up is because of this situation a lot of things come into our schools that are very difficult to handle. And we have some of the best teachers in the United States. And they're more than just teachers. They're social workers. They're moms. They care for our children. And a lot of the problems that are coming in are a part of social issues, and it takes more than just one person to do that. We need a community as Mr. Davis talked about. But we need a little help here financially also with No Child Left Behind.

We have given our tax dollars in this community, and I'm sure we were a donor area for a number of years because of our high

salary, and at this time—or our high taxes that we paid to the federal government, and at this time we need a little help.

And I thank you very much.

[The statement of Mr. Burroughs follows:]

Prepared Statement of Steve Burroughs, President, United Teachers of Flint, on Behalf of the National Education Association

Chairman Kildee: Thank you for the opportunity to speak before the subcommittee today on these very important issues. I am honored to be able to represent the United Teachers of Flint, the Michigan Education Association, and the 3.2 million members of the National Education Association.

I am here today to share my views, based on my personal experiences, on the impact of No Child Left Behind on public schools. I am a proud product of the Michigan school system. I have an Associate's degree from Mott Community College in Flint, a Bachelor's degree from the University of Michigan at Flint, and a Masters degree from Central Michigan University. I taught elementary school for 15 years in Flint public schools and I currently serve as president of United Teachers of Flint. My daughter went to Flint public schools and my five-year-old grandchild will soon follow in her footsteps.

In my experience, educators enter the profession for two reasons—because we love children and we appreciate the importance of education in our society. We want all students to succeed. We show up at school every day to nurture children, to bring out their full potential, to be anchors in children's lives, and to help prepare them for the 21st century world that awaits them.

To that end, we view reauthorization of the Elementary and Secondary Education Act (ESEA) as an opportunity for a renewed national discussion about public education. You, as our elected officials, have an opportunity to elevate this dialogue to a new level, to be bold, to embrace not only the call for equity in American education, but the demand for innovation as well. We hope that this debate will ultimately unite the nation as we strive to fulfill the promise of public education to prepare every student for success in a diverse, inter-dependent world.

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

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

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

How Should We Use Accountability Systems to Remedy Educational Disparities?

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

Opportunity Gaps

Before I address achievement and skills gaps, I would like to take a moment to discuss the opportunity gaps that hinder so many of our nation's children. I see these gaps first hand every day in Flint.

Let me give you a picture of the challenges facing the Flint public schools as they work to provide students with the great public education they so richly deserve. Some 85 to 90 percent of students in Flint public schools qualify for free lunch. The Flint school district is financially strapped and is currently running a $13 million deficit. Violence is an everyday concern in most of our schools. Our class sizes can average 35 to 38 students per class. In addition, we have a difficult time attracting

and retaining teachers in our most needy schools. Given the choice, many of our young teachers choose to leave Flint as soon as an opportunity presents itself to pursue careers in less stressful environments or those with better compensation.

Like many urban and rural school districts, Flint schools have gaps in access to after school programs and extended learning time programs and curriculum gaps preventing students from accessing a rich and broad curriculum. For example, many of our schools do not have access to arts, advanced placement, or physical education courses, nor do they have access to innovative curricula such as information literacy, environmental education, and financial literacy.

We also have significant infrastructure and school environment gaps that hamper learning. A report released in May 2005 by the Citizens Research Council of Michigan and the Education Policy Center at Michigan State University, pegged the total need for repairing old buildings or constructing new ones at about $8.7 billion. In Michigan, there are schools built at the turn of the 20th century and there are state-of-the-art facilities where any parents would be proud to send their children in the 21st century. In 2004, the Saline school district opened an $89 million high school. The facility features 13 science classrooms/laboratories, a television studio, and mobile computer labs that can move from classroom to classroom. Students also enjoy access to two gyms, an eight-lane swimming pool, and other amenities for athletes. Meanwhile, students in Flint, Detroit, Benton Harbor, and many other communities can only imagine the kind of facilities that Saline students have.

We simply must address these opportunity gaps if we have any hope of tackling achievement and skills gaps.

Achievement and Skills Gaps

While one of the primary purposes and goals of NCLB is to close achievement gaps, that has not been the outcome. My colleagues and I are not afraid of accountability. We simply do not see the current system as fair or effective. If the NCLB accountability system were applied to other professions, eventually lawyers would have to win every case and doctors would have to cure every patient. We need to take a hard look at the current law and design a common-sense system designed to raise student achievement and close achievement gaps.

Such a system must include the following elements:

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

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

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

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

Frank Burger, a high school teacher and NEA member from Grand Blanc, Michigan, tells NEA:

"For the past few years, I have taught eighth grade science. Each year, I have to give a test that will measure how well our school is doing with respect to NCLB. It does not take into account the other factors that could tell how well a school is achieving. One problem is that high-stakes testing is not the only way to measure a school's success. The other problem is that it feels as if teachers are now teaching to the test so students can pass it. Many factors should be used to help students achieve, not just one test."

Systemic supports for schools and individual supports and interventions for students

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

Consider the story told by Vella Trader, an elementary school teacher and NEA member from Delton, Michigan:

"I had a third grade student who was far below grade level in all subjects. She needed extra help in order to have any chance of keeping up with our class. * * * I placed this child on [the Reading Recovery teacher's] list, but the teacher said that she could not accept this child into her reading class because this student was so far behind that she didn't have a chance of catching up enough to pass any standardized test. * * * The goal was not to help those who needed the help, but to help only those who may be able to pass a test if given a little help. * * * Are we leaving students behind because of ESEA? I think so!"

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

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

Innovation and graduation for all

In addition to accountability for student learning, the federal government should focus on less tangible, but no less important, differences in the development of students as well-rounded individuals prepared for life after high school graduation. Our schools need to reflect the world in which our children live: a world infused with a 21st century curriculum. They need to help students become well-rounded individuals with skills to compete in a changing world and contribute to the rich, diverse societal fabric that makes our country so impressive. Ultimately, an educational experience that is more relevant to a student is going to be more engaging and will lead to greater knowledge and skills. A rich, relevant, and challenging experience can help address all students' needs. It can captivate and challenge our gifted students, while also providing a positive influence for students at risk of dropping out or engaging in high-risk behaviors.

As NEA member Terese Fitzpatrick, a middle school teacher from Howell, Michigan, has told NEA:

"I spend more time testing than I ever have, which means that students spend less time on learning tasks. * * * I'm testing all students with the same test as there is no distinction between kids or ability levels. I'm teaching to a limited number of benchmarks because that is what is on the test. Students get no time to pick out interest areas; students are never given the time to prove their knowledge through creative, self-chosen projects. So, does their education and testing truly reflect the kinds of tasks that will be required of them as adults? Are they being allowed to do the kinds of projects that will truly pique their interest and thus increase their motivation to learn? Schools are moving in the wrong direction."

All of our schools, particularly high schools, should encourage as many students as possible to attend college and should provide coursework to reduce dramatically the need for remediation in college. At the same time, we also must acknowledge the continued need for a major investment in career and technical education programs. And, we need to ensure that high schools take into consideration the transition needs of all student populations, not just students with disabilities. In other words, we need to do whatever it takes to ensure that a student's next step after high school will be one he or she takes with the confidence that comes from being well-prepared.

Finally, we urge Congress to adopt a "graduation for all" proposal that combines the work of Representative Hinojosa and Senators Bingaman and Murray with NEA's 12-point action plan to address the dropout crisis in America (*http://*

www.nea.org/presscenter/actionplan1.html). Estimates put Flint's graduation rate at below 50 percent—an unacceptable situation that must be remedied.

We believe Congress should provide funding for grants to states that agree to eliminate the concept of "dropping out" of school or that raise the compulsory attendance age. We need graduation centers for 19- and 20-year-olds and those who have dropped out of school—a concerted effort to prevent the loss of one more child and to help those who already have dropped out. This is not only in America's self-interest to ensure future competitiveness, it is a moral imperative.

Quality educators in every classroom

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

NEA would recommend that no teacher in America should make less than $40,000 and no public school worker should make less than $25,000 or a living wage. According to a recent study by the National Association of Colleges and Employers, the teaching profession has an average national starting salary of $30,377. Meanwhile, computer programmers start at an average of $43,635, public accounting professionals at $44,668, and registered nurses at $45,570.[1] Even more shocking is that the average salary for full-time paraprofessionals is only $26,313, with a wide salary range across job duties. NEA has education support professional members who live in shelters, others who work two and three jobs to get by, and others who receive food stamps. This is an unacceptable and embarrassing way to treat public servants who educate, nurture, and inspire our children. I would encourage you to read their stories.[2]

We also urge Congress to advance teacher quality at the highest poverty schools by providing $10,000 federal salary supplements to National Board Certified Teachers. Congress also should fund grants to help teachers in high poverty schools pay the fees and access professional development supports to become National Board Certified Teachers. In addition, you should consider other financial incentives to attract and retain quality teachers in hard-to-staff schools including financial bonuses, college student loan forgiveness, and housing subsidies.

Finally, we believe that the equitable distribution of highly qualified teachers depends not just on decent wages, but more importantly upon the teaching and learning conditions in each school. In Flint, our extreme financial situation has made it impossible to reduce class sizes. Therefore, we strongly encourage Congress to restore a separate funding stream to help states reduce class sizes. We believe that ensuring the greatest possible individualized attention for each student should be as high a priority as ensuring that each student achieves at a certain level. In fact, the two goals are inextricably linked, as research clearly shows the positive impact of small class size on student learning.

Specific Changes to No Child Left Behind

My testimony today has focused primarily on the big picture—the ideals and principles that should guide debate on the federal role in education and should frame the context for NCLB reauthorization. If, however, Congress should approach reauthorization by looking to tweak the law rather than consider broader policy changes,

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[1] A recent report from the NEA Research Department (Teacher Pay 1940—2000: Losing Ground, Losing Status), based on U.S. census data, finds that annual pay for teachers has fallen sharply over the past 60 years in relation to the annual pay of other workers with college degrees. The report states: "Throughout the nation, the average earnings of workers with at least four years of college are now over 50 percent higher than the average earnings of a teacher." Furthermore, an analysis of weekly wage trends by researchers at the Economic Policy Institute (EPI) shows that teachers' wages have fallen behind those of other workers since 1996, with teachers' inflation-adjusted weekly wages rising just 0.8 percent, far less than the 12 percent weekly wage growth of other college graduates and of all workers. Further, a comparison of teachers' weekly wages to those of other workers with similar education and experience shows that, since 1993, female teacher wages have fallen behind 13 percent and male teacher wages 12.5 percent (11.5 percent among all teachers). Since 1979, teacher wages relative to those of other similar workers have dropped 18.5 percent among women, 9.3 percent among men, and 13.1 percent among both combined.

[2] "Why Money Matters," NEA Today, November 2006, *http://www.nea.org/neatoday/0611/feature3.html* and *http://www.nea.org/pay/index.html.*

we would offer the following suggestions, which are of utmost concern to NEA's members:

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

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

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

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

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

6. Extend from one year to a maximum of three years the time for newly arrived English Language Learners to master English before being tested in English in core content areas. This change would be consistent with research findings about the average pace for English language acquisition. Students who become proficient in English in fewer than three years should be tested in English. However, to expect a non-English speaker to take a math or reading test in a second language prior to achieving proficiency in that language sets that student up for failure. At the same time, Congress should exert pressure on the system to provide valid and reliable native language assessments, and should provide the necessary resources to ensure their availability.

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

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

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

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

I thank you again for the opportunity to speak with the subcommittee today and would be pleased to answer any questions.

Mr. KILDEE. Thank you, Mr. Burroughs.

Miss Debardelaben.

STATEMENT OF ANDREA DEBARDELABEN, PARENT

Ms. DEBARDELABEN. Mr. Chairman, Mr. Davis, I wish to thank the committee for giving me the opportunity to speak on behalf of nearly 85,000 members of the Michigan state PTA and 5.5 million PTA members nationwide. I am glad to see Congress working so hard for our children.

My name is Andrea Debardelaben. I am a member of the Michigan PTA. I have been a member of the PTA for about eight years. I have been a day-care provider for about five years.

I have three children of my own, two boys, a first and fifth grader that attend Longfellow Elementary, and a daughter that attends SASA, Saginaw Arts and Science Academy.

Mr. Chairman, parent involvement in a child's education is a major factor in determining success in schools. Successful parental involvement strategies vary from region to region, school to school, parent to parent. However, it is important that Congress find ways to help provide parents more opportunity to get involved.

As you begin work on the upcoming reauthorization of the No Child Left Behind Act I ask that you pay special attention to the roles parents and our local communities have in trying to improvement the academic achievement of all students.

As a member of the Michigan PTA and a strong advocate for our children I have firsthand knowledge of the importance of parent involvement. Moving beyond the normal definition of involvement has been key to helping many schools across Michigan. Still, there is much work left to do.

The state of Michigan has the third worst economy in the entire United States. What makes the statistics more staggering is the two states ranked below Michigan have been devastated by hurricanes which were the immediate cause for their setback. Not surprising, a lot of the reasons for Michigan's poor economic status has to do with its education system.

Years back Michigan was a thriving blue collar state. Manufacturing jobs flourished and a person with a high school education could make a decent living. That is no longer the case. With jobs leaving the state, Michigan is having a tough time filling the void and changing the mind-set of the importance of a good education.

So how exactly has No Child Left Behind affected Michigan's schools, and more specifically has it helped improve parent involvement statewide? From PTA's perspective we have seen some successes and some failures. No Child Left Behind has done a good job in trying to get more parents to care about their child's education. This will hopefully help turn around our education systems to provide an education which provides the skills and knowledge needed for children to succeed in a new, invigorated economy.

Michigan PTA believes that parent engagement starts at the very beginning. As the owner of a day-care center I can tell you we work very hard in preparing young children to be ready for school. At a young age we are trying to instill upon them the skills which they need to build a solid foundation for their education. A strong part of this preparation begins at home. Trying to get parents involved in what their children are learning is very important. I am proud to say that many of the practices we are using help kids and parents alike.

One of the biggest roadblocks I have found in trying to get parents more involved in their school is their work schedule. Parents work an awful lot and find it difficult to take time off to support the child's learning. Parents always want to be there for their child; however, a lot of decisions are made for them by their long work hours and commute times. I am encouraged by the actions

teachers are making in my child's school. Many will take meetings during lunch or make other arrangements to accommodate a parent's schedule. However, these meetings still do not provide the parent or teacher enough time to cover every concern and aspect of the child's education.

On a personal note, I would like to tell you a story about my child. This story, I believe, highlights an intrinsic flaw in No Child Left Behind, one that I hope reauthorization will help fix.

My child attends an elementary school that just has in the past couple of years achieved Adequate Yearly Progress. I wish to compliment the leadership of my child's school in turning around the school and truly making a difference in many of the students' lives.

My son, however, is a unique case. He has a very tough time at school. I cannot tell you how hard he tries. There are certain courses which just give him trouble and he needs some extra help in these subjects. The resources to help my son used to exist at his school. No Child Left Behind mandated that since the school didn't make AYP supplemental education services must be provided to help those students who needed more attention. Obviously, the SES services helped the school improve. Yet in achieving AYP the school no longer offers these important services, services that my son needs to be successful.

Although the law passed five years ago, many children are still left behind. And the irony is that many of these students are coming from schools that are found to be achieving academically.

I would ask the committee to move beyond how the overall school is doing and pay more attention to the individual student. By identifying those students who need the most help, bringing their parents into the classroom and tracking their progress throughout their education career we can truly begin to make a difference in Michigan's education system.

Mr. Chairman, members of the committee, I thank you for this chance to speak on behalf of the parents and children of Michigan and PTAs across the nation. I believe your efforts to improve the law can help provide a better education for every child and allow our children to be more competitive in the worldwide market. Parents and community involvement must be viewed as part of the solution.

People in every community across the country are trying to increase parent involvement. If this committee can help provide these partnerships with more resources and more flexibility, innovative solutions will emerge and our children's academic achievement will rise.

Thank you for this opportunity. I look forward to further discussions on this important issue.

[The statement of Ms. Debardelaben follows:]

Prepared Statement of Andrea Debardelaben, Parent

Mr. Chairman, I wish to thank the Committee for giving me this opportunity to speak on behalf of the nearly eighty five thousand members of the Michigan State PTA and the 5.5 million PTA members nationwide. I am glad to see Congress working so hard for our children.

My name is Andrea Debardelaben and I am a member of the Michigan PTA. I have been a member of the PTA for about 8 years. I have been a daycare provider for about 5 years. I have 3 children of my own—2 boys, 1st and 5th graders that

attend Longfellow Elementary and a daughter that attends Saginaw Arts and Science Academy.

Mr. Chairman, numerous studies have documented that regardless of the economic, ethnic, or cultural background of the family, parent involvement in a child's education is a major factor in determining success in school. Successful parental involvement strategies vary from region to region, school-to-school, parent to parent. However, it is important that Congress find ways to help provide parents more opportunities to get involved. As you begin work on the upcoming reauthorization of the No Child Left Behind Act I ask that you pay special attention to the role parents and our local communities have in trying to improve the academic achievement of all students.

As a member of the Michigan PTA and a strong advocate for our children, I have first hand knowledge of the importance of parent involvement. Moving beyond the normal definition of involvement has been key to helping many schools across Michigan. Still, there is much work left to do.

The state of Michigan has the 3rd worst economy in the entire United States. What makes this statistic even more staggering is the two states ranked below Michigan have been devastated by hurricanes which were the immediate cause for their setback. Not surprising, a lot of the reason for Michigan's poor economic status has to do with its education system.

Years back, Michigan was a thriving blue collar state. Manufacturing jobs flourished and a person with a high school education could make a decent living. That is no longer the case. With jobs leaving the state, Michigan is having a tough time filling the void and changing the mindset of the importance of a good education.

So how exactly has No Child Left Behind affected Michigan's schools and more specifically has it helped improve parent involvement state-wide? From PTA's perspective we have seen some successes and some failures. No Child Left Behind has done a good job in trying to get more parents to care about their child's education. This will hopefully help turn around our education system to provide an education which provides the skills and knowledge needed for children to succeed in a new, invigorated economy.

Michigan PTA believes that parent engagement starts at the very beginning. As the owner of a daycare center I can tell you we work very hard in preparing young children to be ready for school. At a young age we are trying to instill upon them the skills which they will need to build a solid foundation for their education. A strong part of this preparation begins at home. Trying to get parents involved in what their children are learning is very important. I am proud to say that many of the practices we use are helping kids and parents alike.

One of the biggest roadblocks I have found in trying to get parents more involved is their work schedule. Parents work an awful lot and find it difficult to take time off to help support their child's learning. Parents always want to be there for their child; however a lot of this decision is made for them by their long work hours and commute times. I am encouraged by the actions teachers are making in my child's school. Many will take meetings during lunch time or make other arrangements to accommodate a parent's schedule. However, these meetings still do not provide the parent or teacher enough time to cover every concern and aspect of the child's education.

On a personal note, I would like to tell you a story about my own child. This story I believe highlights an intrinsic flaw in No Child Left Behind, one that I hope the reauthorization will help fix.

My child attends an elementary school that just has achieved Adequate Yearly Progress for the first time. I wish to compliment the leadership of my child's school in turning around the school and truly making a difference in many of the students' lives.

My son however is a unique case. He has a very tough time at school. I cannot tell you how hard he tries. There are certain courses which just give him trouble, and he needs some extra help in these subjects. The resources to help my son used to exist in his school. No Child Left Behind mandated that since the school didn't make AYP, Supplemental Education Services must be provided to help those kids who needed more attention. Obviously the SES services helped the school improve. Yet in achieving AYP, the school no longer offers these important services, services that my son needs to be successful.

Although the law passed 5 years ago, many children are still being left behind. And the irony is that many of these students are coming from schools that are found to be achieving academically. I would ask the Committee to move beyond how the overall school is doing and pay more attention to the individual student. By identifying those students who need the most help, bringing their parents into the class-

room, and tracking their progress throughout their education career, we can truly begin to make a difference in Michigan's education system.

Mr. Chairman, members of the Committee, I thank you for this chance to speak on behalf of the parents and children of Michigan and PTAs across the nation. I believe your efforts to improve the law can help provide a better education for every child and allow our children to be more competitive in a world-wide marketplace. Parent and community involvement must be viewed as part of the solution.

People in every community across the country are trying to increase parent involvement. If this Committee can help provide these partnerships with more resources and more flexibility, innovative solutions will emerge and our children's academic achievement will rise. Thank you again for this opportunity. I look forward to further discussions on this important issue.

Mr. KILDEE. Thank you, Miss Debardelaben.

Mr. Tilley.

STATEMENT OF DON TILLEY, SOCIAL STUDIES DEPARTMENT CHAIR, CENTRAL HIGH SCHOOL

Mr. TILLEY. Chairman Kildee and Congressman Davis, I would like to first of all thank you for allowing me this great honor.

A father to four children I not only educate at work, but also at home.

Since the inception of No Child Left Behind in 2002 education has gone through major changes, some good, some not so good. I would like to right the wrongs and build upon what is working.

First and foremost is funding. Mandates, resolutions and laws that are not supported by all the funds needed to implement them cannot and do not work. When I say supported by funds, that is not to imply a carrot and stick approach.

For example, if classroom sizes are to be smaller under this act then the funds should be allotted to allow schools to hire professional educators and support staff at professional salaries to give each and every child the best possible education. I do not believe this is asking too much.

Teachers in our district are not getting rich at the expense of anyone. In fact, they're paying for their health insurance benefits, and have been over the years by giving up increases in salaries and have not had a pay increase in nearly two years, let alone keeping up with the rate of inflation. I do not believe that anyone in this room or watching out there looks forward or strives to make less money next year than they did in the previous.

Michigan was authorized to receive approximately $758 million in Title I funding in fiscal year 2006 but received only $427 million. That shortfall comes at the expense of educators and support staff. We are a service industry. The greatest portion of our funds goes directly to providing education. Less funds, less opportunities for children, less chance of schools complying with the requirements of NCLB and meeting Adequate Yearly Progress.

Secondly, No Child Left Behind, from my perspective, implies that no child is to be left behind. Implementation of AYP should not penalize children or schools, it should support them.

As a teacher in a failing school due to a subgroup not having enough children take the state assessment I have seen firsthand what a blanket law can do to a school. Public schools cannot control the raw material or children who walk through their doors. Unlike

a business we cannot turn away a child of any ability or lack thereof, and if a school does so, shame on them.

If progress is a mandatory measurement then schools should be at the very least measured against themselves. By marking a school as failing communities are earmarked as failing, therefore not having or severely limiting the ability to attract new businesses and residents. The schools are then doubly punished as they will lose children and therefore resources. Schools that acquire students turned away often increase class sizes to accommodate the new students, thereby hurting another child's ability to acquire more individual assistance.

When it comes to being highly qualified, NCLB has done a disservice to many students. Teachers who were more than qualified were forced to leave their positions and take positions in either retirement or under some other qualification umbrella. I encourage the committee to reform the HOUSSE process to make it easier for good teachers like some of my former colleagues to continue in their field.

Furthermore, I am an individual who strives to achieve goals in my life. However, I am also a realist when it comes to these expectations. I will never play in the NBA. I can guarantee it. I was not blessed with the ability to put the ball in the net consistently, if at all. I was not born seven feet tall. I can live with that.

I do, however, have a goal that each and every day I walk into the classroom I will put forth my best effort and recognize the abilities of each and every one of my students. I strive to give them the best education possible. I do not set any of my students up for failure.

However, NCLB is doing just that. By setting goals that 100 percent of students will be proficient in math and reading by 2014 schools are set up for failure. Therefore, the students that attend those schools will be set up for failure. It is likely the schools not meeting this requirement will be penalized instead of rewarded for the progress they have made.

Constant pressures to test our students more and more frequently consistently takes away from precious classroom time. Students learn by doing. Testing is often a necessary measure to obtain the cognitive information and abilities students have acquired; however, so is common sense. The greatest test of ability in each and every child's life will be just that, life. But not everyone will be afforded the same opportunities, so that test is flawed.

Education must service all students regardless of social, economic or academic status or capabilities. No Child Left Behind needs to recognize this, not only in the form of individualized educational plans but by creating and funding programs for preschool children, ones similar to Early On and Head Start programs; programs for children that are need based due to a variety of social or economic pressures; programs for elementary school children before and after school. These programs should include staff and resources capable of providing true counseling services to children in need, whether the need be psychological, emotional, medicinal, sustenance or a result of neglect.

Many children need these programs. They do not have a choice to walk out of a home where there is physical, emotional or neglect-

ful abuse. While as a society we do not have the capabilities or resources to likely change the present culture, we can do our part to break this cycle. Teach children of pride and belonging throughout the educational process. No Child Left Behind can continue this positive direction by ensuring that courses in self-esteem and self-awareness are taught to the middle and high school.

We as adults tend to push our children towards goals they may or may not achieve but often overlook what's really going on. Our children are constantly driven to measurement, but oftentimes are so consumed by their own physiological and emotional development they lose focus on those mandated goals. If children were educated on what their bodies, minds and emotions were going through, and that they were not alone, and that they were going to be all right, I am a firm believer that students would be better able to focus on the academics at hand, thereby developing stronger self-esteem and the capability of understanding.

The United States has always been an academic leader. The results are obvious. They are sitting and working all around us. A focus on testing and more testing, modeling academics of the elite in China, who I understand are still a larger number than all of the people in the United States, is not where we have found our past nor where we shall find our future. We need to continue to be leaders in this world and not followers. We need to set precedents. We must strive not to forget the language in the Nation At Risk report some twenty years ago.

Yes, we must strive for a more intelligent and forward-thinking society, but we must also develop the skills and ethics in every child. We cannot push so hard on the academic elite that it comes at the expense of our talented and skilled in many other parts of our society. We also need auto mechanics, welders, contractors, painters, musicians, sculptors, graphic designers, software developers and whatever other future generational skill our students may offer. No Child Left Behind cannot forget that, and it must ensure that all students, regardless of academic ability, are given the opportunities to continue to develop and nurture those skills that make each and every one of us unique. Our future will not come cheaply, yet it is an investment we can ill afford not to make.

Thank you.

[The statement of Mr. Tilley follows:]

Prepared Statement of Donald Tilley, Social Studies Department Chair, Central High School

Chairman Kildee and Members of the Subcommittee, I would first of all like to thank you for allowing me this great honor.

I started teaching in 1991 at All Saints Central High School in Bay City, Michigan. After five successful years, opportunities began to present themselves and in 1996, I accepted an offer to begin teaching in the Bay City Public Schools, where I remain today. As a high school social studies teacher, and a product of the same school system in which I teach today, I have seen many changes in education. As you may or may not know, I am a hard working, forward thinking, and self-motivated individual. A father to four children, ages ranging from 4 (she will begin kindergarten this fall) to 15, I not only educate at work, but also at home. I hope to instill the same qualities and work ethic I have developed over my lifetime to not only the children I teach, but to my own.

Since the inception of No Child Left Behind in 2002, education has gone through major changes. Some good and some not so good. As I stated before, I am forward thinking and would like to right the wrongs and build upon what is working.

First and foremost is funding. Mandates, resolutions and laws that are not supported by all of the funds needed to implement them, cannot and do not work. When I say supported by funds, that is not to imply a carrot and stick approach. For example, if classroom sizes are to be smaller under this act (as they should be), then the funds should be allotted to allow schools to hire professional educators and support staff at professional salaries to give each and every child the best possible education. I do not believe this is asking too much. Teachers in our district are not getting rich at the expense of anyone, in fact they are paying for health insurance benefits, and have been over the years by giving up increases in salaries, and have not had a pay increase in nearly two years, let alone keeping up with the rate of inflation. I do not believe that anyone in this room or watching out there looks forward to or strives to make less money next year than they did in the previous.

Correct me if I'm wrong, but Michigan was authorized to receive approximately $758 million in Title I funding for FY 2006, but only received $427 million. That is a funding shortfall of about $331 million. That shortfall comes at the expense of educators and support staff. We are a service industry. The greatest portion of our funds goes directly to providing an education. Less funds, less opportunities for children, less chance of schools complying with the requirements of NCLB and meeting Adequate Yearly Progress (AYP).

Secondly, No Child Left Behind, from my perspective implies that NO CHILD is to be left behind. Implementation of AYP should not penalize children or schools, it should support them. As a teacher in a failing school, due to a sub group not having enough children take the State Assessment, I have seen first hand what such a blanket law can do to a school. Failure to achieve one of approximately 30 requirements to meet AYP denies that school AYP. School districts cannot control cultures. They can however, shape them. Public schools cannot control the raw material, or children, who walk through their doors. Unlike a business, we cannot turn away a child of any ability or lack thereof, and if a school does so, shame on them. If progress is a mandatory measurement, then schools should be at the very least measured against themselves. By marking a school as failing, communities are earmarked as failing, therefore, not having or severely limiting the ability to attract new businesses and new residents. The schools are then doubly punished as they will lose children and therefore resources. Schools that acquire the students turned away, often increase class sizes to accommodate the new students, thereby hurting another child's ability to acquire more individual assistance.

When it comes to being highly qualified, NCLB has done a disservice to many students. Teachers who were more than qualified were forced to leave their positions and take positions in either retirement or under some other qualification umbrella. One prime example I can give was an outstanding math teacher once working down the hall from me. She had 30 years of service and was one of the best math teachers I have ever witnessed in action. She was a dedicated, hard working, student advocate and she knew her subject. Because of her Physical Education major and only a minor in the math field, and regardless of her accomplishments within the classroom and the students who walked through her door, at 30 plus years she was forced into retirement. Who benefited here? While we cannot change what has been done, the future of NCLB needs to consider the accomplishments, credibility, and talents of those who are successful in the field. While a simple grandfather clause could have saved many outstanding educators across this great country, NCLB must consider some form of credit or reward for years of successful experience in the classroom. I encourage the Committee to reform the HOUSSE process to make it easier for good teachers like my former colleague to continue in their field.

Furthermore, I am an individual who strives to achieve goals in my life. However, I am also a realist when it comes to those expectations. I will not ever play in the NBA. I can guarantee it. I was not blessed with the ability to put the ball in the net consistently (if at all). I was not born 7 feet tall. I can live with that. I do however have a goal that each and every day I walk into the classroom I will put forth my best effort and recognize the abilities of each and everyone of my students. I strive to give them the best education possible. I do not set any of my students up for failure. Everyone matters.

However, NCLB is doing just that. By setting goals that 100% of students will be proficient in math and reading by 2014 schools are set up for failure. Therefore, the students that attend those schools will be set up for failure. It is likely that schools not meeting this requirement will be penalized, instead of rewarded for the progress they have made. Constant pressures to test, test and test our students more and more frequently consistently takes away from precious classroom time. Students learn by doing. Some mandated tests such as ELA and Math Proficiency Equivalents can take up to as long as two weeks to administer. That time lost in the classroom impacts state assessment tests given later in the year. Those test re-

sults again come back to AYP and failing schools. Testing is often a necessary measure to obtain the cognitive information and abilities students have acquired. However, so is common sense. The greatest test of ability in each an every child's life will be just that—life. But not everyone will be afforded the same opportunities, so even that test is flawed.

Education must service all students regardless of socio, economic, or academic status or capabilities. No Child Left Behind needs to recognize this, not only in the form of Individualized Educational Plans, but by creating and funding programs for pre-school children. Ones similar to the Early On and Head Start programs. Programs for children that are need based, due to a variety to socio or economic pressures. Programs for elementary school children before and after school. These programs should include staff and resources capable of providing true counseling services to children in need. Whether the need be psychological, emotional, medicinal, sustenance or as a result of neglect. As I stated before, we cannot change a culture, but we can impact children. Many children need these programs. They do not have a choice to walk out of a home where there is physical, emotional, or neglectful abuse. While as a society we do not have the capabilities or resources to likely change the present culture, we can do our part to change the children. To deliver the educational and social opportunities that can break the cycle. Teach children of pride and belonging throughout the educational process. No Child Left Behind can continue in this positive direction by ensuring that courses in Self-Esteem and Self-Awareness are taught throughout middle and high school. We as adults tend to push our children toward goals they may or may not achieve, but often overlook what is really going on. Our children are constantly driven to measurement, but often times are so consumed by their own physiological and emotional development, they lose focus on those mandated goals. If children were educated on what their bodies, minds and emotions were going through, and that they were not alone, and were going to be alright, I am a firm believer that students would be better able to focus on the academics at hand, thereby developing stronger self esteem and the capability of understanding.

The United States has always been an academic leader. The results are obvious. They are sitting and working all around us. A focus on testing and more testing, modeling the academics of the elite in China, who I understand are still a larger number than all of the people of the United States, is not where we have found our past, nor where we shall find our future. We need to continue to be leaders in this world and not the followers. We need to set precedence. We must not forget the language in the Nation at Risk report some twenty years ago. Yes, we must strive for a more intelligent and forward thinking society, but we must also develop the skills and ethics in every child. We cannot push so hard on the academic elite that it comes at the expense of our talented and skilled in all other parts of our society. We need auto mechanics, welders, builders, contractors, architects, seamstresses, painters, musicians, sculptors, graphic designers, software developers, and whatever other future generational skill our students may offer. No Child Left Behind cannot forget that. It must ensure that all students, regardless of academic ability, are given the opportunities to continue to develop and nurture those skills that make each and every one of us unique. Our future will not come cheaply, yet it is an investment we can ill afford not to make.

Mr. KILDEE. Thank you, Mr. Tilley. Thank you very much.

I thank all of you for your testimony, and now we'll start asking some questions here. So I recognize myself now for five minutes, and I'll try to watch the light there.

As I said in the beginning, we're probably going to keep in place the basic structure of No Child Left Behind. Nothing is certain in Washington, but the standards, the testing, the Adequate Yearly Progress and the effects or consequences, some of you use the word penalty, but I use the word effects.

In those four elements are there any changes any of you think of where we could improve the bill? Are any of those too onerous, not strong enough, standards, testing, AYP?

And in that I'll throw in this question also. Some teachers tell us, and some superintendents and principals, that we're spending too much time in testing. So if you could address those four ele-

ments or one of those four elements in the testing, starting with Mr. Solis.

Mr. SOLIS. In terms of Adequate Yearly Progress, it doesn't take into account when you take a snapshot on an annual basis, it doesn't demonstrate any growth. And I think there's a real need for growth models to be accepted and allowed within the new legislation. Because I think teachers work very hard, administrators work very hard in terms of ensuring that our children are going more than one year, because they're further—they're behind more than one year. But even though they are growing at a pace faster than they would learn in a single year, they're still penalized if they don't meet that one test that they take that year. And if children are behind three years and they've made a year and a half worth of growth, the test will not indicate that. So I think growth models are very important.

And once again, teachers as well as administrative support staff work diligently to ensure that the children are growing faster than what they would grow in a normal year.

Mr. KILDEE. Any other comments? Anything else on the AYP or any of the elements?

Mr. RUSSELL. Well, you know, just to address those programs that serve students with severe disabilities, I think the notion that standards are something that's so easily measured we have a tendency to measure those things that are easy to measure.

I would suggest that for many students, not just students with severe disabilities, we look at individual growth over time. And it's a different application of the growth model, but we want—and we are accountable as well, but I think we've got to have a special system of accountability for very special schools, and also I think other students with disabilities as well.

Mr. KILDEE. Anyone else? Mr. Burroughs?

Mr. BURROUGHS. Yes, I would have to concur with my two colleagues here to my right. A lot of the standardized tests are basically just a snapshot of what's going on in a child's life. But you mentioned a lot of teachers have told you about the amount of time wasted with numerous tests, and that is correct.

But also I think you have to experience sometimes some of my elementary teachers as early as fourth and third grade. We benchmark our children so much because we're testing just so much, you see children actually cry. "We're going to take another test." And what we have done as educators, now we're teaching towards a test. We've taken out the richness of education.

But I want to concur with Mr. Russell. A lot of times when we deal with special ed children we have individual education plans. I think every child ought to have an individual education plan. Every child is unique, and every child learns at different rates. With a standardized test we're saying all children at such and such an age ought to be having these skills here. And that's just not realistic. Every child is unique and they should have an individual education plan.

Thank you.

Ms. DEBARDELABEN. Yes, I can speak as a parent of a child that needs special education, but because their school met AYP he cannot get the services. He's still way below where he should be. He

was a child that has been left—he repeated a grade already. But if you look at his testing you would think that he's not making any progress, and he really is. He just learns slower, at a slower rate.

So I do think that the tests aren't showing that these children are learning, but just because Billy over here can't learn as fast as this young lady over here he's being penalized for that, and I don't agree with that.

Mr. KILDEE. Mr. Tilley?

Mr. TILLEY. I concur with the rest of the folks at the table here.

And the more tests that are mandated the more time we're taking out of the classroom. For instance, we just took the State of Michigan's ACT at the high school level, the ACT and the MME test. Children with special needs were given or were mandated another four days to take that test. So they were literally out of the classroom for a week. And the teachers who were administering those tests also had to be out for that week, so the rest of the kids in their classroom were losing, because there was a whole week's worth of education they lost. We're coming down to minutes and hours as far as our year goes. Those are minutes and hours that are precious to those kids.

And every time they're given another test, like some of the ELA tests and the math proficiency tests, they're taken out of the classroom which then will affect, adversely affect their results on the state test.

So testing has become a major issue in the schools that seriously needs to be looked at.

Mr. KILDEE. Thank you very much. I now recognize the gentleman from Illinois.

Mr. DAVIS. Thank you very much, Mr. Chairman. And let me just thank each one of you for your testimony.

As a matter of fact, listening to you generates a lot of thought. In my mind it sort of causes me to feel like the young fellow in my hometown when I was growing who fell into a barrel of molasses and looked in the mirror and said "Let me try and live up to this opportunity." And so I hope that I can come up with a question or two that really speaks to the eloquence of your testimony.

Let me just ask a general question. Do either one of you believe that national standards can ever be fairly applied across the board?

The reason I ask that question, I represent one of the most diverse congressional districts in America. I represent some of the wealthiest people in the world. I represent downtown Chicago, the Gold Coast, the Magnificent Mile, Water Tower Place, the owner of the baseball teams. But I also represent 70 percent of public housing in the city. So I struggle with my schools in terms of what to actually expect from them.

So do you believe that we can apply the same level of expectation to school districts without regard to the socioeconomic status of the environment in which they're placed.

Mr. SOLIS. Congressman Davis, I don't think you could apply that fairly across this nation. Once again, by recognizing that children come from different socioeconomic bases, what happens to prior knowledge? What happens to those experiences children have outside of the school? And children of poverty do not have all of

those opportunities. So I think it would be a very difficult thing to be able to implement.

Then the other question would be if in fact it were to take place would there be sufficient resources for those that are further behind to catch up so they could meet those national standards.

So at this point I would say no, that would not be something that could be accomplished. And then also it would fly in the face of local control of the schools and what they deem are to be sufficient standards.

Mr. DAVIS. Anyone else?

Mr. RUSSELL. Yes, Congressman.

I guess my concern is is that I still believe that each community has the responsibility to determine what it wants for its young people, and I worry about national standards that will only result in something that's easier to measure, that is acceptable to such a diverse country that we have that I really think that that takes out the most important part about education, and that is the community participation and setting its own standards.

And that's not to say that low standards are acceptable at all. Matter of fact, I think if communities were allowed to set those standards they would be higher than any national standard you could get that has to please everybody.

So that's my problem, not based on socioeconomic standards, or whatever, but really based on if you take that away from communities you take the most vital part about what education means to places like Flint and Genesee County.

Mr. BURROUGHS. Congressman Davis, I must concur with my two colleagues. But what they have been successful in when we look at our state tests, if we look at the FCAT in Florida or the MEAP, you know, here in Michigan, and Illinois has one, what all those tests have been successful in doing is really—there are people that can go out and actually tell you what's going to happen on the test beforehand. And what we're doing is measuring the socioeconomics of students. They'll take the free lunch or the poverty issue percentage of it, and they're very accurate when they come up with, you know, what we're going to get on the test.

And then we start beating communities down, and we start beating the folks at the lower end of the socioeconomics down. You go into a failing school, which is not the case.

And also it differs in states, you know, sometimes, too. They'll say, "Well, because the test in Michigan is very hard we've had so many numbers of schools that are unaccredited." I'll go to another state—and I'm not going to name that state or any other state. I'm not going to get into that. But they'll say, "Well, they only had one unaccredited school."

Well, the tests are different sometimes. But what they are accurate in measuring is the socioeconomics of our children. And that's a sad state of affairs when we start very young and we start beating young children down, and our job is to make children dream. And they all learn at different rates.

Mr. TILLEY. I again agree. I'll give you one more example as to what happens when you set national standards. We have a state standard. Again with the ACT test being just taken recently students could no longer be prepped in the schools 10 days prior to

the test by the school itself. However—and if you were an online learner they had to pull it off their web sites by the end of February. However, if you had the money and the resources you could hire a tutor, you could go buy the books, you could go get CDs and you could prep till 8 o'clock in the morning before that test occurred.

I mean, when you have a national or a state standard you're setting kids up for failure because it's not equal.

Mr. DAVIS. Thank you, Mr. Chairman.

Mr. KILDEE. Thank you very much, Mr. Davis.

Some have said, and I've observed this to some extent, but I'd like to get your views on this, some say that Michigan, first of all, started early and set high standards for itself and more stringent testing for itself, maybe more than another state which you mentioned you had in mind. I have a couple in mind, too, where the standards aren't as high as Michigan's and the tests may not be as stringent. And that concerns us, because Michigan, some say and have told me that they feel that Michigan's been penalized because it started early with high standards and stringent tests.

Without administering a national test, say, the NAEP test, without administering that, could we use the NAEP test on an individual basis sampling to see how each state test might measure up in quality of the NAEP, quality of the NAEP? Anyone want to respond to that?

Mr. Burroughs, you started it, do you want to——

Mr. BURROUGHS. I started it. Okay.

What you're saying would give you a fair glimpse of what's actually going on, I guess, state by state. Because I mentioned before, and I think you guys are very well aware of that, it varies from state to state what the test is. But it would give you some kind of a guide.

But I just wouldn't want to make that test so heavily weighted that we destroy what—we're already doing that right now. And my colleague here has talked about that.

I don't want to destroy kids, I want to build children up. I want to build families up. And what's come—one of the side effects of No Child Left Behind is is, you know, in some of our most neediest areas we're beating people down.

It's very hard to tell a child that's fourth grade "You didn't pass the MEAP test." And that child worked so hard. And he might have made adequate yearly progress. But as a teacher I think we struggle with that, and a parent, how we keep that child motivated, how we keep that child dreaming. And there's ways that we try to tell that child that.

But a national level, at least it will give you some kind of a—it will level the playing field.

And I see Mr. Solis wants to say something.

Mr. KILDEE. David.

Mr. SOLIS. Chairman Kildee, in terms of assessing—I believe we have to be held accountable, and there's no question about it, because it's the taxpayers' dollars. And we concur with that.

What we'd like to see, though, is as you indicate what this snapshot is measuring that there also be provisions in that that show actual amount of growth. And I'm not sure the NAEP does that.

And so, yes, we need to be held accountable because these are precious dollars from our taxpayers. But at the same time how do we ensure that the full picture, the total picture is seen when we take—when we assess our children. So we're not opposed to the NAEP.

Mr. KILDEE. If we use NAEP just as a—not to measure the students so much, but to measure the test, would you find any danger in that?

You know, when we established the Department of Education back in 1977, '78 under Jimmy Carter we forbade the federal government to set up a national curriculum. And that's still part of the law. And there are some who fear that the more you tighten down on testing that we are forcing people almost into a national curriculum.

Do you think there's any danger if we could say, let's do some sampling here, take all the 50 states and see how their tests, whatever it may be in Mississippi, or Minnesota or Hawaii, is it as rigid as the NAEP test, and how does it relate to the rigidity of the NAEP test.

Would you see any danger in doing that just on a sampling basis?

Mr. TILLEY. I see it as a Pandora's Box that once you open it and it comes down to who is going to be dictating policy as to what direction they would take those results. And I could see it just as what's happened with NCLB, and then Michigan has now jumped on board, you know, as one of the early runners on that, and now they've—and we now have a state curriculum. You know, that is one step closer to a national curriculum, and that is one step closer to a governmental society that we have so long tried not to become where the state is mandating what's going to be done, who will be doing it and how they will be doing it.

I just—it's a fear I have. I mean, that doesn't necessarily mean that it's the wrong thing to do, but it's A flag that flies in front of me when I see that happening.

Mr. KILDEE. You think it would be a slippery slope?

Mr. TILLEY. Yes.

Mr. KILDEE. Thank you.

Mr. Davis?

Mr. DAVIS. Thank you, Mr. Chairman.

Mr. Burroughs.

Mr. BURROUGHS. Yes, sir.

Mr. DAVIS. I think that a good part of No Child Left Behind was really developed in response to the notion that there was a lack of accountability on the part of teachers, that there was failure, that teachers unions had become too strong, too influential. And you're talking to a former union delegate and a member of the AFT, and I have a wife who is a teacher for thirty years, a sister who was a principal.

But how do you answer the accountability and failure notions? The architects indicated that they felt that something had to be done to make sure that we were getting more mileage out of public education and that it was in a sad state, and, of course, No Child Left Behind was going to make it better. So how do you——

Mr. BURROUGHS. I agree with what you said, Mr. Davis. I mean, I think it was a backlash on accountability. And we're not afraid of accountability. I guess it's how accountability is measured.

Let me give you a personal experience from my—I had a fourth grade class, and they were all about three years behind. It was a group of children, I guess, no one wanted, you know. I got those children. I loved them every day.

Now, did they make adequate yearly progress?

Yes, sir, they did. And I worked—that was probably the hardest year I've ever worked in my life. And I loved those kids, and I gave them that. I gave them—I was mentor to them.

Did they pass the MEAP test, which is the state's MEAP test? No, I only had two that passed that MEAP test.

Now, if I took accountability and we just measured that on the MEAP test I was a complete failure. But in reality I was quite successful that year. Every one of my children made an adequate yearly progress from where they were at.

So it's hard when you get into that accountability issue. How do you measure accountability?

And there's so many things that go into teaching. With your background you know that now. I mean, there's so much that goes into it. I'm not afraid of accountability, but it's how it's measured. And that's where we get into that difficulty. How do we measure that?

Mr. DAVIS. Sir, it would be very difficult for me to ever imagine you being a failure at all. And yet if you're only looking at the structured outcome of what happened with your class and with your students one could say, I guess, that something didn't come up to what was projected.

Mr. BURROUGHS. Do you want to speak?

Ms. DEBARDELABEN. No.

Mr. DAVIS. Go ahead.

Mr. BURROUGHS. As a parent, too, I mean, you know, she would see what I did as a teacher, and she knows I'm working very hard. And, no, that child did not pass that MEAP test. But was that child successful? Yes. Was I successful? Yes.

But if the accountability is strictly on that snapshot, in this case MEAP for accountability, I would be classified as a failure. In my heart I know I wasn't. But if we look at different issues such as that, that's the difficulty.

And maybe Mr. Tilley would want to add to that as a teacher.

Mr. TILLEY. I think you hit the nail on the head, that to set a standard that everybody has to achieve is unrealistic. I mean, everybody is unique, everybody is different. That's what made this country so great is we've had people become artists. They wouldn't have tested well on a MEAP test. It's testing the math and sciences. And you have people that have different skills, and we need to nurture all of those skills.

And so whether or not somebody wants to have a test that's going to measure where everybody's standing at as far as their academics goes, or their work keys, or whatever else they want to put on the test, it's got to be interpreted broadly, extremely broadly, because everybody is unique. And that's what makes public education and schools in this country so great.

Mr. SOLIS. Congressman Davis, may I also respond to that?

Mr. DAVIS. Yes.

Mr. SOLIS. We all believe in accountability. We all believe that the subgroups should be performing at grade level. We're not afraid of the accountability. What we need is the additional support.

For example, Mr. Jennings with the Center on Education Policy has been doing case studies across this nation in terms of what is working in terms of some of the sanctions under NCLB.

We've been using the coaching model, and the coaching model we believe has been very effective. And if you look at our reform model here we have Tier 1 coaches, Tier 2 coaches, as well as intervention teachers. So, yes, we do need to look at data. But we also need to provide the support, and coaching is one way of doing it.

I know there's options within the law that say you replace the entire staff. We don't see that as necessarily having an impact on student achievement. Replacing the principal. Sometimes replacing the principal doesn't change the new person coming in. But coaching people, whether it be at the administrative level or with teachers, or with para pros, we believe that's the way once you've looked at the data. And we've found that to be very successful here in Flint.

Mr. DAVIS. Thank you very much.

Mr. KILDEE. Thank you, Mr. Davis.

Ms. Debardelaben, you mentioned that in your son's school they at one time had not reached AYP, therefore they had special services——

Ms. DEBARDELABEN. Right.

Mr. KILDEE [continuing]. And your son and other students benefited from the special services.

Ms. DEBARDELABEN. Correct.

Mr. KILDEE. Then they were successful in reaching AYP and were deprived of those special services.

Ms. DEBARDELABEN. Yes.

Mr. KILDEE. That must be very frustrating both to the teachers, the parents and the students, right?

Ms. DEBARDELABEN. Yes.

I have a son that works very hard. He works really—he wants to know. He just has a hard time.

And I've done everything that I'm supposed to do as a parent at home. I meet with teachers, get different materials to work with him, and everything. It's just he needs that one-on-one attention, but since he is not low enough to say that he needs—that he's, I guess, considered special ed that he is missing out on that extra help that he needs.

Mr. KILDEE. It's something that I want to look at, because—of course, it's going to cost some money——

Ms. DEBARDELABEN. Right.

Mr. KILDEE [continuing]. But again if we had appropriated what we should have appropriated Michigan last year would have got $331 million extra, which could have helped a great deal.

But what I'm hearing from all of you is it's not just the lack of dollars, that there's some other things in the bill that need some fixing. Right? The lack of dollars creates some problems, but there

are some other things that need fixing on the standards, testing, AYP and the effects there.

And, Mr. Russell, in a special school, as we have two special schools for severely cognitively handicapped people, we want to make sure they get the very best education possible, but at the same time realize that they aren't going to be able to pass probably the tests that the students in a regular setting with the regular cognitive ability, and we have to address that.

I wrote Michigan's special ed bill, and I wrote a rather rigid one. We wrote that even before 94-142, the federal bill. And I put in the age, ages zero to twenty-six. That's why you have the twenty-six. I put that in. The federal law is just twenty-one.

But do you think that we should really take a much closer look at the type of children that you educate in those two center schools you have? What all would you want us to change to address those students who have very special needs, very special problems?

Mr. RUSSELL. Well, I think, as I said in my testimony, we're very pleased that one of the subgroups of our students with disabilities, one of the real benefits that has occurred with No Child Left Behind is it has not left out students with disabilities for us to be accountable for their success in school, and I think that's one of the best aspects.

But I also see as an issue that it's pretty unforgiving of the kinds of issues our young people have in terms of how they take tests, how they respond. Even with modifications and accommodations that are made our students very often we can't respond to that testing situation. And I think that instead of having rigid requirements of one percent or two percent, those kinds of things, we've just got to be more flexible and develop a system that recognizes that how our students learn and how we will be accountable needs to be more individualized.

And I mentioned earlier about the growth model. I would be pleased to look at measuring how individual students progress on their IEPs and be accountable that every single student makes progress than set some sort of arbitrary standard that is based on grade expectations, third grade, fourth grade, or whatever.

And I think again the problem is is that for many students with severe disabilities they just don't fit what was intended by No Child Left Behind. And so I think, I think that we need to leave it to states to find a way. We have MiAccess, we have an alternative curriculum that works in the state of Michigan. My staff worked towards that and towards our students accomplishing their goals and objectives. But I think that's what we should be accountable for. Because it just doesn't work for us to be accountable for some measurable standard. That's what I would change.

Mr. KILDEE. And I think that we in Genesee County are proud of those two centers, too, because we really have exerted ourselves. I've always demanded the IEPs be extremely important. And sitting down with the parents and the teachers, that's extremely important, and we want to maintain that. But I want to work closely with you. I know Mr. Horwich has been out visiting at the center. I want to come out again. It's been a few years.

Mr. Davis.

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

And, Mr. Russell, let me just say that it's a pleasure to interact with one who is expert in the areas of individuals with disabilities.

The most emotional experience I think I've ever had in education was speaking at an eighth grade graduation of a school that served the severely handicapped, and to see these young people in their wheelchairs with special apparatuses, with speech aids, but how by the time the graduation ended there wasn't a dry eye in the whole place, and it was just great to see.

Another area, though, of special ed that I have some interest in and concerns about is the fact that every school district that I've looked at in America, the highest number of students in special ed are African-American boys. And is there anything that this district is doing in particular to look at that issue as it evaluates its system and looks at the requirements of No Child Left Behind.

Mr. RUSSELL. Yes, Congressman. We are working with the Michigan Department of Education, and this is probably a good example of using the data as a self-assessment and perspective of saying—and it's difficult for communities to understand this, and even experts. We struggle with disproportionality and making sure that students who are identified in special education are proportionate to the participation of all groups.

But I also believe, too, that the answer to this is in those interventions that are available in general education for students who are having problems with learning. And this is another area that concerns me in terms of response to intervention, making eligibility for special education not just be the only solution to learning problems, but in fact that we have the kinds of interventions that some of the panel up here has talked about so that we in fact prevent special education for students with mild impairments, or issues with reading and computation, and so on.

And so I think that's the secret. And where I think you see the lack of interventions in general education is where also you see some issues with disproportionality. Because if special education is the only solution to learning failure you will have a high rate of eligibility for kids in special ed.

And that's the issue that I think you're talking about. And I don't think we have enough data now to say this across the board, but many of us suspect that those districts that are really struggling with disproportionality are districts that are struggling with providing interventions other than special education is requiring.

So, yes, we're working very hard at that, and it's a national issue as well, as you know.

Mr. DAVIS. Actually I was pleased that last year I think the committee included some language that I was interested in suggesting that any district in the country that had this kind of disproportionality would have to submit a statement to the Secretary of Education acknowledging the existence and also indicating what they propose to try to do about it, and what they propose to do to try to better understand it so that if there were factors contributing that could be dealt with then they could do so.

Quickly I have another point. I was intrigued by the fact that, Mr. Burroughs, that you had taught the fourth grade.

Mr. BURROUGHS. Yes, sir.

Mr. DAVIS. And the question goes to Mr. Solis. I am convinced, Mr. Solis, and it's a theory, that one of the reasons that so many African-American and Latino boys drop out of school at an early age is that many of them never see a male of their racial or ethnic group in early education efforts. Whether it's at home or whether it's at school they've never seen a man reading a book or opening a book of their own racial identity or ethnic identity, and consequently by the time they're third or fourth grade they have pretty much decided that education is a woman thing, or a female thing, or a girl thing.

How would you respond to that in terms of the numbers of African-American and Latino men who are actually teaching in early childhood education programs?

Mr. SOLIS. I would concur with your statement. I'm trying to think of Latinos that are actually teaching. I can think of female Latinas that are teaching here in the Flint Community Schools. I think we have one gentleman at Southwestern, and I think we fortunately have one assistant principal now. But other than that there haven't been a lot of Latino teachers, and I think not having that has an impact in terms of not having male role models, and I believe it holds true for the Hispanic community also.

Mr. DAVIS. Thank you very much. Because I believe that we could use No Child Left Behind and approaches to try and get at some of the problems in a way that's a little different than punishing districts, punishing schools, shutting down schools, bringing in all new personnel, putting schools on lists, and failure lists and watch lists that I'm not sure really does much, but I think if we could increase some of the programmatic activities such as that we'd do much better.

Mr. SOLIS. I agree. And I'd like to make just one other statement, too. Because the large population are limited English proficient, and with that compounded that we don't have male role models there is a need for additional bilingual teachers, ESL teachers. And I happened to travel to Scottsdale, Arizona a couple years ago in an attempt to recruit—Congressman Kildee also worked with us in terms of going to Texas and working with Texas and Puerto Rico. One of the major areas in which it's very difficult is to attract bilingual ESL teachers. And as I mentioned earlier, we have approximately 600 LEPs. Now, they're not solely Latinos, there are other languages, but I think that has a major impact on our children being able to succeed also.

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

Mr. KILDEE. Thank you, Mr. Davis.

Mr. Burroughs, you mentioned I think it was a young female student who you wanted to participate in this special reading program but were told that, no, she couldn't because she wouldn't do well enough to change the score of the school. There's something fundamentally wrong with that, isn't there.

Mr. BURROUGHS. Yes, there is. But you have to look at—and I'm not condoning this practice at all, because it's very insulting to hear that story that I just told you. But districts are underneath pressure sometimes to pass the state MEAP test in Michigan—but we can take other states, they have the same test—so they'll dwell on students that are close—Okay?—to raise them up to pass that

test, you know, so the district or that school will look better standing.

Now, this child that's so far behind, I guess we've kind of thrown that child away. And that's not what that reading program was designed for. And that's what's upsetting to not just teachers, administrators. It's how the system has kind of—the pressure is to pass that test. Okay? So they'll take those efforts and they'll put it on those children that are close.

Mr. KILDEE. The principal and the teacher are really geared to make sure they pass that test.

Mr. BURROUGHS. You're underneath the gun to pass that test because that's how you're basically evaluated as a successful school. But we failed that child. And we have many of those children. We fail that child.

Mr. KILDEE. And that pains me, that really does. I'm glad you mentioned that particular case, because sometimes we think so generically we don't think specifically right to the individuals out there.

You know, we have AYP, Adequate Yearly Progress, and we're talking about growth models, and we have some pilot studies out there and growth models now. With growth models you have to keep data, transferable data on individual students. Do you think we should expand at least the pilot studies and see how growth models can supplement or maybe be used instead of AYP? Any comments on that?

Mr. SOLIS. Chairman Kildee, I agree that we need to find growth models to accurately assess our growth and not be penalized because students did not, on that day they took the snapshot of that child's academic performance. So I think there needs to be an increase in pilots.

Once again to Mr. Burroughs' point, we have children, because of the political pressure to pass these tests we were looking at—I call them the bubble children. They're right there on the bubble trying to get them over. But those that are the high-risk students, those that are the furthest behind, the attention hasn't been there because they were trying to make that accreditation at the time. So I think growth models would help solve part of that.

Mr. KILDEE. Mr. Tilley, you mentioned reforming the HOUSSE process. HOUSSE is a—it's how you evaluate teachers whether they're qualified. It means High Objective Uniform State Standards of Evaluation. And we have used the HOUSSE method in Michigan. I can recall right after No Child Left Behind we might have a crackerjack government teacher, but found out that that government teacher had majored in history, but fifteen years ago, twenty years ago said "Can you take this government class?" and he turned out to be just a crackerjack government teacher, but he didn't technically meet the standards to be qualified in that, and HOUSSE may have helped there.

Can you tell us how we can, keeping the term qualified teacher, how we could use HOUSSE more to help some of those people who have proved themselves to be qualified in their field, even though technically in their credentials they may not be.

Mr. TILLEY. First of all, the simplest form—the simplest answer to that would have been a simple grandfather clause. That would

have been the easiest way to solve that problem. Teachers that have been teaching that subject matter over a period of years should automatically be grandfathered in to continue to teach that class.

I've seen several of my colleagues, probably the best math teacher Bay City schools ever had was a PE major, and she taught math for 34 years and was forced into retirement because she did not want to go through the HOUSSE process which would have taken a lady, now, mind you that has taught math for almost that entire time period of 34 years now has to go and prove herself in a—I mean, it's an overwhelming task to get all the information you need to do the HOUSSE process. It's two or three months of solid work to go back and document all the meetings that you were at, all the professional development you did, all the education you did; whereas, through the years the school districts through their evaluations, the states through their recertification, where are you doing that? It was a simple solution to just say those people have the experience and they have the time in the classroom, they should be grandfathered in.

And I think that needs to be taken into account, because I would assume through the years that certifications are going to become more and more stringent, that those standards are looked at or at least the grandfathering is looked at for teachers that are in other subject areas that are currently not required to be in their major.

Mr. KILDEE. And I think you and I would agree that we want to avoid what we had in California, maybe still to a great extent, we had 25,000 teachers in California who are uncertified, and that's why we put in the bill we wanted qualified teachers. And Mr. Miller, the chairman of the full committee, feels very strongly about that.

But I know I've seen teachers right in Bay County who were in the field of government who were really great but technically did not meet the certification standards there.

So we'll look at that, looking at two things, maintaining quality by recognizing there's various ways to achieve that quality.

Mr. TILLEY. And that's why you go through—you know, we have annual evaluations as teachers and those are the things that, you know, the administration does to evaluate the staff member, and those are the things they should be using and have been in a big portion of it as far—and also the recertification at the state level when you have to reapply for your certificate and pay for your license that the state's saying you're qualified, you're school is saying you're qualified, now all of a sudden legislation comes along and says after 34 years and everybody else saying you're qualified, you're not. Now you have to prove to us that you're qualified by doing all this—and it's exorbitant. If you've ever seen the HOUSSE process itself, it's huge.

Mr. KILDEE. Thank you.

Mr. Davis.

Mr. DAVIS. Thank you, Mr. Chairman.

Ms. Debardelaben, let me ask you what motivated or stimulated you to be so actively involved in education from a lay person perspective? I notice that we all agree that parental involvement and

participation, all of this is important, but I notice it comes at the end of almost everything that I see.

I mean, it's kind of like oftentimes it's an afterthought of whoever is doing whatever they're doing, it's "Oh, by the way, we've got to make sure that we've got parental involvement. We've got to have community involvement."

And I was thinking of my own childhood that the greatest motivated time that I ever experienced as a child was my mother coming up to school one day when I had decided that I was upset about something in terms of the teacher not giving me a speech at school closing. And I had gone home and said, "I'm not going to the graduation, so you don't have to worry about buying me anything," and all of that.

And she said, "Why not?"

I said, "Well, Miss Smith didn't give me a speech."

And she says, "Well, I'll be up there tomorrow to find out why."

And when my mother walked in the door, after having walked about eight miles to get there, I mean, I felt like I was just on top of the world, that there was nothing that you could do to deflate my ego or how I felt.

So what brings you to this?

Ms. DEBARDELABEN. My parents were very involved with me and my schooling, me and my brother's schooling.

I look at my kids and they want me to be happy with them all the time. When they bring home their report cards—you know, like my one, he's having trouble. But when I go into the classroom and speak with the teacher about him having trouble, he's more happy with that. Even if he's getting an E he's more happy that I came into the classroom and I talked to his teacher and, "Well, mommy, what did the teacher say?"

I say, "Well, she says you're having trouble."

You know, he said, "Well, are you going to be there tomorrow with me and sit next to me while I'm trying to read this book even though, you know, I'm having trouble?"

That makes kids really happy that their parents are coming into the classroom and seeing that they're talking to their teachers.

And like if a child—I have another—a niece that's having trouble with her teacher. For some reason they just clash. But when my cousin goes into the classroom she feels more comfortable and her mind is on learning instead of thinking about, "Well, what is this teacher going to do to me today?" or "Is the teacher going to kick me out today?"

You know, so I think that when I look at my kids and they say, "Just come to the school, mommy. Just come and see what's going on at school," that I just get up and go.

You know, I want my kids to be happy at school, and if they're happy at school then they can learn. If they're unhappy then they're angry. They're sitting around in the corner pouting instead of listening to what the teachers are saying.

So when I go into the classroom I can talk to their teachers one on one, talk to the principal, who at our school is a very good principal, and he's an African-American male, and he—and the children just like that.

Even the other children whose parents aren't coming in, they see me coming and they're like "Mrs. Debardelaben's here, so, you know, everything's okay." So that's what pushes me to go and be involved in their school.

Mr. DAVIS. Well, I just believe that that's very, very important, and may be difficult to measure in terms of where people put that, because we really don't put resources, in many instances, into it to make sure that we do all in our power to attract people and have them come.

And, Mr. Burroughs, you raised a concept that I find interesting, and that's how we pay our taxes and how we allocate money. But this notion of beginning to look at things from the vantage point that one community may have been a donor community at one time and now might be categorized or classified as a disadvantaged community, and so when we develop certain kinds of programs to try and help local governments, local areas and states to meet needs, that that's a consideration that we ought to take into account. So I find that intriguing, and I thank you for raising it.

Mr. BURROUGHS. Thank you, sir.

Mr. KILDEE. Since we're on funding, it's interesting. You have to pay for education, and that includes when the federal government mandates you should pay for education. And there's a direct relationship. Mr. Davis and I both voted against, about five years ago, a two trillion dollar tax cut. Two trillion dollar tax cut. Which is in effect. It passed. A trillion dollars, that's a thousand billion; one trillion dollars, a thousand billion.

If we just made that a little less—I voted against the whole shooting match, as did Mr. Davis, and we spoke against it and told in no certain uncertain terms what we thought about it. But, you know, if they had just made it a little less than that we could have found the $70 billion to fully fund No Child Left Behind. It would have been just a little tweak out of that $2 trillion. But they wouldn't give in.

And I predicted, as Mr. Davis predicted, that programs that are so important, including a brand new program, a brand new mandate, was not going to have the revenue to fund it.

Beware of those people, by the way, who say "Oh, I'm for education. I support education. I support education," but they vote to take the $2 trillion away, right? Beware of those.

They remind me of people who go to a fine restaurant because they want the best, they want the best education, they go to a fine restaurant with their friends and they order the very best on the menu, the finest, and when a waiter comes by with the check they're bending over and tying their shoe letting someone else pick up the tab. We have a lot of shoe tiers in Congress.

And that's one of the many reasons that we're not funding No Child Left Behind, because they took $2 trillion of revenue away. And we're just asking for 70 billion would fully fund it, 70 billion over five years.

So just be beware of those people. I just had to say that, because I get very frustrated. People think there's no relationship between revenue and spending. There's a great relationship. Probably should get ways and means together with the appropriations com-

mittee so they could talk to one another. They'll find out if they're going to spend they've got to find the dollars to spend.

One other question here. Mr. Solis, you talked about the set-aside for a public school of choice and the supplemental educational services, one of the effects of their not meeting the AYP, the effect that might have on the rest of the school programs.

Mr. SOLIS. As current law requires we must set that set-aside, a total of 20 percent of our allocation, which is approximately $3 million. So those dollars don't fly—they're not driven into the building. We have to set it aside.

So, therefore, if we look back—and I had one—Miss Joyce Webb did a research paper on allocations, and if we were to just look at the set-aside for this current year we would be below the 2001-2002 funding level, or at that level without any increases for inflation.

So I understand—we understand the importance of having some options for parents. We're not opposed to that. But the amount of set-aside if they were to totally be utilized would not have increased our allocations at all for the last five years, or it would be minimal, which would not take into account inflation or step increments.

The other issue with set-asides is the Michigan Department of Ed was very generous in terms of—because there is a limit in terms of carryover. The reason we have exceeded carryover in the last three or four years had been directly attributed to money not utilized for SES programs. And so until the U.S. Department came in and cited the Michigan Department of Ed we had an open enrollment.

So there's two sides to this set-aside issue. One is we have to set it aside at the beginning, and then when we had open enrollment, at the end of the year, because there were children that did not opt to take advantage of the SES programs, there was a large portion of money.

So there needs—we're recommending that there be some flexibility. For example, what the Michigan Department of Ed had allowed was if you could directly attribute the—exceeding the 15 percent was directly attributed to funds not used for SES programs then that would not require you to use your one-time waiver.

Also, just so you're aware, I think Flint has done an outstanding job in working with the SES providers. We had a vendor fair, and then we have parent fairs, and we do direct mailings, and I give credit to Dr. Lee and Lucy Jenkins that they've done an outstanding job.

I was recently reading an article in one of the education magazines talking about the SES programs. There isn't anything in that article that Flint hasn't done.

Once again, you know, when you have that large pool of money it does take away from monies that are driven to buildings. But on the positive side of that set-aside, when we had a deadline we were able to reallocate some of those funds for the reform model extended day program, which is after school, and the extended year.

But there are some issues with that large amount of money being required to be set aside.

Mr. KILDEE. That chart you referred to, if you haven't already done so if you could give that to counsel, we'll make that part of the record.

Mr. Davis.

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

We were talking about money. We know that money is very difficult to come by. I mean, especially if we are funding a war and spending billions each month, and then we've given the wealthiest one percent of the population part of their money back in terms of tax breaks and tax cuts. So you can't have a discussion hardly about anything without the impact of money coming into the equation.

I guess I'd like to ask if each one of you could perhaps share one thing that you might be able to do to improve education or improve No Child Left Behind that may not cost any additional money. That is, if you can think of anything.

Mr. SOLIS. The sanctions are very serious in terms of corrective action and restructuring, and with that money is set aside to provide that additional support. If those dollars would not have to be set aside for school improvement and flowed into the districts to determine how to use those to improve, that would be beneficial. No cost, no additional cost to the taxpayer. But once again, it would allow for the districts to have that money.

I think the teachers, the administrators know what we need to do to improve student achievement here at the local level. But right now it's not administered that way.

Mr. DAVIS. Anyone else.

Mr. RUSSELL. I would just suggest that we need to continue the flexibility for communities to use the funds that are available for, again, early interventions for students.

You know, special education, I'm very proud to be a special educator. I've been one for thirty years. But I will say this, that the more kids we can prevent coming into special education the better that the whole system will be. And I think that allowing communities to allocate resources to help kids early on, get the help before failure, before those young men or women get discouraged about school would be one thing that I think would save money, in fact, in the long run, but certainly would at least be cost neutral.

Mr. BURROUGHS. Mr. Davis, it's very hard for me to think of anything that's not connected to money at this time because I'm working for a district. We've cut the fat, we've cut the bone, and now we're in the process of starting to cut some vital organs. So it's very difficult for me at this time.

Ms. DEBARDELABEN. The only thing I can think of that wouldn't cost as much money is to try to get the parents more involved.

I know at my children's school they do have different organizations, and actually the parent participation has picked up a lot. But I live in a community that is poverty stricken, I guess you'd say, and trying to get the parents to come out to the kids' school, they're just not doing it. And if we can get the parents to come in and see that the No Child Left Behind is basically trying to help their children to succeed then maybe the whole program would start to work better.

Mr. TILLEY. I also tend to agree with my colleague down here that I don't know if there's anything really at this time that won't cost money to really improve No Child Left Behind. But the long-term benefit of putting funds into early elementary and elementary before school and after school programs, and I firmly believe, you know, building self—having middle school kids and their self-esteem and their self-awareness, if there were courses set aside to teach them, "You know, my body's changing. This is who I am and going to be." Because they're so consumed with what they look like to their next-door neighbor they don't care what they have to do on a math test, or in a math class, or in a science class, or anything else. And if some of those programs are developed in the middle and the elementary school, and maybe even carry into the high school, that in the long run it would benefit all of us, it would save us money in the long run, because those kids would stay in school, they'd become more productive citizens, they'd become tax paying citizens and generate more revenue and the money would come back to us all.

Mr. DAVIS. Thank you very much.

Mr. KILDEE. You know, your comment is very good. It's pretty well a given now that a person learns to read kindergarten through third grade, and after that they read to learn. If they haven't learned to read by the end of the third grade, many may wind up in your special ed who really shouldn't be in special ed, right? And I think that's really what—those K through third grade, it's so important that that's where we should really invest and make sure they learn to read. Because you see kids who wind up just stumbling along, or winding up in a special ed program. Which is very expensive, right?

Mr. RUSSELL. That's right.

Mr. KILDEE. It would be a good investment. It would be not only morally right, but fiscally right——

Mr. RUSSELL. That's correct.

Mr. KILDEE [continuing]. That we do that.

Do you have any further questions?

Mr. DAVIS. No, I have no questions, Mr. Chairman, and would just like to again thank you and thank the members of the panel, the witnesses who have come. I have been absolutely stimulated by your questions and by your expressions and by the concerns that you have raised, and I can understand why your community is a community of the future and how you have withstood some of the challenges that you have obviously faced as a community. And I only hope that those of us in Washington can take your experiences and then transform or translate them into action so that America does in fact continue to be the America of tomorrow and not the America of yesterday.

So I thank you so much, and it's just a pleasure being here.

Mr. KILDEE. Thank you, Mr. Davis. And let's give Mr. Davis some applause. He's just an extraordinarily good Member of Congress. I've been there thirty years. He's been there since 1995. I remember when he came in he's added to our committee, he's very faithful in attendance, and loves the human race, loves children. I always say certain people, they have a good head—he's very

smart—but a good heart, too. And that's very, very important. Especially those who seek public office, I think.

You know, today demonstrates something I've known for a long time, but sometimes you have to realize it and make it real in your life, that all the wisdom does not reside in Washington, D.C., it's out here.

This has been one of the finest panels I've heard in a long time, long time. We've had high rollers in Washington testifying, you know, with all the awards they've received, and I mean really high rollers, well known around the world. And they were good. But I'll tell you, I've learned more about what the needs of children are and how No Child Left Behind should respond to those children from this panel right here, and I'm not exaggerating at all. And I think, Danny, Mr. Davis, would agree with that. This has been extraordinary.

And again, the audience, your presence here again, anyone who would like to submit something for the record, get that to Mr. Horwich, and let him know your name so he'll accept—if you have it with you, just leave it with him, but you'll have seven days in which you can get it to him, and it will become a part of this record along with those who were the official witnesses here.

So I again thank all of you, the witnesses, and any member may say—any member of the—I have to say this just for the record, too. Any member of this committee not here today may also have seven days to submit additional testimony. And with that this hearing is adjourned. Thank you.

[Additional statements entered into the record by Mr. Kildee follow:]

Prepared Statement of Curtis Decker, Executive Director, the National Disability Rights Network

The National Disability Rights Network ("NDRN"), is the membership association of protection and advocacy ("P&A") agencies which are located in all 50 states, the District of Columbia, Puerto Rico, and the territories (the Virgin Islands, Guam, American Samoa and the Northern Marianas Islands). P&As are mandated under various federal statutes to provide legal representation and related advocacy services on behalf of all persons with disabilities in a variety of settings. As a network, the P&As provide free assistance to over 20,000 families per year in education cases involving the IDEA and Section 504 of the Rehabilitation Act of 1973. P&As have a unique, significant and long-term interest in laws that will affect the rights of students with disabilities. The P&A system comprises the nation's largest provider of legally based advocacy services for children and adults with disabilities and their families.

Below are preliminary recommendations for the reauthorization of NCLB. There are other areas of the statute that deserve attention and require revision. However, NDRN has focused on five major issues at this time. NDRN is available to provide continued consultation during the reauthorization process and is more than willing to provide additional comment and suggestions regarding changes to the statute throughout the reauthorization process.

I. Supplemental Educational Services:

The provision that provides supplemental educational services to students in schools that have failed to make Annual Yearly Progress (AYP) must be adequately resourced for all students, including students with disabilities. Currently, based on anecdotal evidence, services are often limited for all children, but especially limited—if available at all—for children with disabilities. This is particularly true in rural areas and impoverished urban areas. The Commission on No Child Left Behind (hereinafter Commission) reports that there is a lack of meaningful evaluation of providers and lack of coordination among providers and public school teachers. In order for the Supplemental Educational Services (SES) to benefit children statu-

tory changes are necessary. The statute must require the State and Local Educational Agencies to locate and identify private providers who can meet the needs of students with disabilities and must ensure proper communication among those providers and school personnel. Specifically the statute should be amended as follows: (new language in bold and italics)

Sec. 1116(e)(4) "(4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency shall——

"(A) in consultation with local educational agencies, parents, teachers, and other interested members of the public, promote maximum participation by providers throughout the state, including providers capable of providing services to students with disabilities, to ensure, to the extent practicable, that parents have as many choices as possible,

"(B) develop and apply objective criteria, consistent with paragraph (5), to potential providers that are based on a demonstrated record of effectiveness in increasing the academic proficiency of students, including students with disabilities in subjects relevant to meeting the State academic content and student achievement standards adopted under section 1111(b)(1);

"(C) maintain an updated list of approved providers across the State, by school district, ensuring widespread geographic distribution of needed providers throughout the state, from which parents may select;

Sec.1116(e)(5) "(5) CRITERIA FOR PROVIDERS.—In order for a provider to be included on the State list under paragraph (4)(C), a provider shall agree to carry out the following:

"(A) Provide parents of children receiving supplemental educational services under this subsection and the appropriate local educational agency with information on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that such parents can understand.

"(B) Ensure that instruction provided and content used by the provider are consistent with the instruction provided and content used by the local educational agency and State, and are aligned with State student academic achievement standards.

(C) Ensure that instruction is provided to students with disabilities who are entitled to services under the Individuals with Disabilities Education Act (IDEA) and students entitled to services under Section 504 of the Rehabilitation Act

(Section 504) receive appropriate services and accommodations consistent with the student's individualized education program under section 1414(d) of IDEA and consistent with a student's 504 plan under 29 U.S.C. sec.794 (Section 504).

"(C)(D) Meet all applicable Federal, State, and local health, safety, and civil rights laws.

"(D) (D)Ensure that all instruction and content under this subsection are secular, neutral, and nonideological.

II. Highly Qualified Teachers/ Highly Qualified Effective Teachers.

A. Professional Development

The Commission report notes that there is concern about the qualification of general education teachers teaching special education students. As the Individuals with Disabilities Education Act mandates, more and more students with disabilities are receiving services in the general education environment and rely more heavily on general education teachers for their education. As such, it is important that both special education and general education teachers have the necessary training and skills to successfully and effectively teach students with disabilities in every environment.

The Commission seeks a change to the highly qualified teacher qualifications, which require that a teacher become a highly qualified effective teacher (HQET). The concept, though good fails to guarantee that teachers will receive the professional development they need to ensure that students in special and general education get the instruction they need.

NDRN recommends that when evaluating teachers under the HQET criteria, the statute should mandate that all teachers be required to demonstrate that they can effectively teach students with disabilities. Further, the professional development that is triggered by the value-added methodology as well as other mandated professional development under NCLB must include training teachers how to adapt the general education curriculum for children with disabilities, how to use research based practices, and provide differentiated instruction, assistive technology supports, positive behavior supports and other inclusion techniques. Further, adequate federal funding must be provided to the states to properly institute high quality professional development.

The suggested statutory language below is designed to fit within the confines of the current statutory structure. It is anticipated that NCLB will be significantly

amended in regard to the Highly Qualified Teacher (HQT) requirements. If so, the recommended language may need to be applied to a different segment of the HQT section of the statute. NDRN is available to revise or provide additional suggestions as the reauthorization process continues. The most important aspect of the recommended language is to ensure that all teachers, both special education teachers and regular education teachers are trained on how to provide appropriate instruction in an inclusive environment for students with disabilities. Preferably this would be a professional development requirement for all teachers.

This definition of professional development should be included in section 9101 (34) as follows:

Sec. 9101(34)(A)(xiii) provide instruction in methods of teaching children with special needs. Instruction of teachers shall include training about: adapting the general education curriculum for special education students, using research-based practices, differentiated instruction, assistive technology supports and services, positive behavior supports, and other methods and practices that promote the inclusion of children with disabilities in the academic and non-academic aspects of the school.

B. Teacher Preparation

In addition to professional development for teachers while they are engaged in teaching, there must be training for teachers at the university and college level that ensures all teachers are prepared at the front end to teach a variety of learners, including children identified with disabilities under the Individuals with Disabilities Education Act. As part of the university or college curriculum there must be a requirement that teachers learn how to teach using Universal Design and learn how to adapt the general education curriculum for special education students. Further teachers must learn about peer-reviewed researched methods of teaching, differentiated instruction, assistive technology supports and services, positive behavior supports and other methods and practices that effect successful inclusion of students with disabilities in the classroom.

NDRN NNNDNRrecommends that NCLB be amended to include the following requirement: As part of a state's program approval process, institutions of higher education shall be required to establish that their teacher preparation programs are designed to provide all teacher candidates, both general and special education, with the competencies necessary to teach effectively students with and without disabilities.

III. Accountability

One of the cornerstone concepts of NCLB is to ensure that all students are included in assessments at grade level standards. Currently the regulations to the NCLB statute permit the states to count 1% of students with severe cognitive disabilities who take alternative assessments and pass those tests as part of Adequate Yearly Progress (AYP). Further, a U.S. DOE policy and pending regulations permit states to count up to 2% of testing for students who take assessments based on modified Academic Achievement Standards, toward AYP as proficient.

NDRN is not currently suggesting a statutory change. We believe that these adjustments should continue to be made through the more flexible policy or regulatory process. However, NDRN has concerns about modified assessments overall, and filed comments to the U.S. Department of Education during the earlier regulatory process. (attached and available at www.ndrn.org) NDRN wants to ensure that schools, teachers and states remain accountable for the progress of all students including students with disabilities.

The purpose of the Department's proposed regulations is to assist States in meeting Adequate Yearly Progress (AYP) and avoid becoming a school "in need of service." However, the U.S. Department of Education and the U.S. Congress when reauthorizing NCLB must focus on ensuring students with disabilities receive high quality instruction with appropriate accommodations in the least restrictive setting, while holding school personnel accountable to the educational progress of all students.

The Department must ensure the regulations encourage States and Districts to strive to teach children to their highest potential rather than use the modified assessments as a crutch that relieves accountability requirements. To the extent, Congress intends to modify the current statute, any language regarding modified testing must ensure that states cannot use the testing as an escape hatch to providing highly qualified and effective teaching to students with disabilities. Further, any changes must make clear that the child's educational needs, including testing needs and levels are driven by the IEP team as required by the IDEA.

IV. A Government Accountability Office Study.

The statute provides for students to receive supplemental educational services and school transfers when schools fail to make adequate yearly progress. In order for these options to have meaning for students and to actually assist students who attend failing schools, the services must be available and capable of meeting the needs of the students. By anecdotal evidence, Protection and Advocacy Agencies have reported the inability of students with disabilities to receive the type of supplementary educational services they are entitled to receive. The reasons for the inability to receive services vary. For example, some students, who live in rural areas, do not have access to the services needed because the type of provider the student needs is not readily available in the rural area. On the other hand, in urban areas, although the type of provider the child needs may offer services in the area, the number of providers is not sufficient to handle the number of students entitled to services.

In regards to public school choice transfers, information obtained suggests that in some urban areas, the choice option for attending public schools is severely limited because most of the schools within that region failed to make adequate yearly progress. The result is students are forced to remain in substandard schools because the resources provided to ensure they may obtain an education in schools that meet the requirements of NCLB is not available. This problem is even more acute for students with disabilities.

NDRN recommends that Congress ask the Government Accountability Office to conduct a study on whether students, including students with disabilities in rural, urban and suburban environments are able to access the supplemental educational services and public school choice options provided by NCLB.

This report would provide an avenue to determine the barriers that school systems face in making services available to students and focus on any particular barriers faced by schools to meet the needs of students with disabilities. Further, this report would analyze information from families about the frustrations they face when attempting to secure supplemental educational services and public school transfers for their children. The purpose of the report would be to provide useful information on the implementation of this part of NCLB and provide Congress with background on what changes in the law are needed to ensure the promise of leaving no child left behind is met.

V.Protection and Advocacy Program for Students with Disabilities.

Students with disabilities and their parents must navigate the complex world of IDEA and NCLB on a daily basis, most without the training and resources provided to school personnel to navigate those same laws. Advocating for your own child through this maze can be a daunting task at best. Dealing with the needs of a child with special needs can at times require considerable time and energy. On top of providing the daily needs of the child the parents must also learn about the child's educational rights and pursue what their child needs through the school system. The Protection and Advocacy Systems (P&A) across the country provide assistance to these families in need. However, P&As must rely on grant funds that are not specifically allocated for special education or find other means of funding in order to assist children with disabilities in schools.

Because P&A's generally rely on grant money and not attorney's fees in order to represent families, most if not all P&As are willing to work through issues with the school district and the parents first without seeking due process (which may lead to an award of attorneys fees). However, it is becoming increasingly difficult for P&A attorneys and advocates to continue to advocate for these students and at the same time provide needed advocacy services to other populations of people with disabilities. Funds directed for the purpose of advocating for children in schools is needed to ensure the protection of children with disabilities and their families. Below is recommended language to be included in the reauthorized NCLB Act.

Protection and Advocacy Program for Students with Disabilities.

"(a) In General.—The Secretary of Education shall make grants to protection and advocacy systems for the purpose of enabling such systems to address the needs of children with disabilities and their families who are negotiating the educational systems.

"(b) Services Provided.—Services provided under this section may include the provision of——

"(1) information, referrals, and advice;

"(2) individual and family advocacy;

"(3) legal representation; and

"(4) specific assistance in self-advocacy.

"(c) Application.—To be eligible to receive a grant under this section, a protection and advocacy system shall submit an application to the Secretary at such time, in such form and manner, and accompanied by such information and assurances as the Secretary may require.

"(d) Appropriations Less Than $12,000,000.——

"(1) IN GENERAL.—With respect to any fiscal year in which the amount appropriated under subsection (i) to carry out this section is less than $12,000,000 the Secretary shall make grants from such amount to individual protection and advocacy systems within States to enable such systems to plan for, develop outreach strategies for, and carry out services authorized under this section for children with disabilities and their families.

"(2) Amount of grant.—The amount of a grant under paragraph (1) shall be based on the size of the State in which the individual protection and advocacy system is located but be not less than $200,000 for individual protection and advocacy systems located in States and not less than $100,000 for individual protection and advocacy systems located in territories and the American Indian consortium.

"(e) Appropriations of $12,000,000 or More.—The Secretary shall make grants during each fiscal year not later than October 1 to States as follows:

"(1) POPULATION BASIS.—Except as provided in paragraph (2), with respect to each fiscal year in which the amount appropriated under subsection (i) to carry out this section is $12,000,000 or more, the Secretary shall make a grant to a protection and advocacy system within each State.

"(2) Amount.—The amount of a grant provided to a system under paragraph (1) shall be equal to an amount bearing the same ratio to the total amount appropriated for the fiscal year involved under subsection (i) as the population of the State in which the grantee is located bears to the population of all States.

"(3) Minimums.—Subject to the availability of appropriations, the amount of a grant to a protection and advocacy system under paragraph (1) for a fiscal year shall be——

"(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and the protection and advocacy system serving the American Indian consortium, not less than $100,000; and

"(B) in the case of a protection and advocacy system in a State not described in subparagraph (A), not less than $200,000.

"(4) Inflation adjustment.—For each fiscal year in which the total amount appropriated under subsection (i) to carry out this section is $14,000,000 or more, and such appropriated amount exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase in the total amount appropriated under subsection (i) to carry out this section between the preceding fiscal year and the fiscal year involved.

"(f) Carryover.—Any amount paid to a protection and advocacy system that serves a State or the American Indian consortium for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the next fiscal year for the purposes for which such amount was originally provided.

"(g) Direct Payment.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with the provisions of this section, the total amount of the grant for such system, unless the system provides otherwise for such payment.

"(h) Annual Report.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Secretary concerning the services provided to emerging populations of individuals with disabilities by such system.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $16,000,000 for fiscal year 2008, and such sums as may be necessary for each the fiscal years 2009 through 2013.

"(j) Definitions.—In this section:

"(1) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian consortium' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

"(2) Protection and advocacy system.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

"(3) State.—The term 'State', unless otherwise specified, means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico,

the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(k) Technical Assistance.—The Secretary shall reserve 2 percent of appropriated funds to make a grant to an eligible national organization for providing training and technical assistance to protection and advocacy systems.".

The comments and recommendations provided in this document are preliminary recommendations given the time constraints to respond to the Senate's request. NDRN has an avid and deep interest on the impact the reauthorization of NCLB will have on students with disabilities and we are available to answer any additional questions or provide additional input about specific areas being addressed by the Senate when the issues arise.

Prepared Statement of Susan Doneson, Teacher, Program Supervisor, Meridian High School

Chairman Kildee, I am Susan Doneson, a teacher and program supervisor at Meridian High School, in Haslett, MI, and I request that the following testimony be included in the record of the April 12, 2007 Subcommittee hearing held in Flint, Michigan.

"No Child Left Behind" is up for reauthorization and while it is difficult to argue with the spirit of this legislation, there have been some unfortunate and potentially devastating collateral effects of the law as it currently stands in terms of penalizing the very programs that exist to support and remediate our most at-risk students in Michigan.

The component of this legislation that most concerns me is the assumption that all students should be able to graduate from high school in four years. As the law currently is written, high schools are penalized if students take more than four years to earn their diplomas; the schools often are listed as failing to make AYP (adequate yearly progress,) a serious negative label that brings with it various consequences. All students who do not graduate in four years are counted in the statistics for that high school as dropouts, even if they complete their high school educations in an additional semester or year.

While it may be realistic and even desirable to assume that the majority of students in the state and nation can complete high school in four years, there are compelling reasons why this may not be the case for all students, and if "no child is to be left behind," then schools that exist to ensure that, in fact, "no child is left behind," should be seen as part of the solution rather than part of the problem. Meridian High School is an example of an effective alternative high school, administered by Haslett Public Schools. For more than two decades, we have been educating our most vulnerable high school students with more than 70% of our graduates going on to post-secondary education. I have been with the program since its inception as program supervisor/teacher for our award-winning teen parent program and also serve as teacher/chairperson of our Language Arts department.

Students come to Meridian from approximately eleven different area school districts for many reasons including pregnancy, substance abuse issues, or family chaos to name a few, but there are some generalizations that may be said about most of our students.

- Most students will transfer to Meridian in the second year of high school or later.
- Student will already be behind in terms of earned credits (average is 1 semester or 3 credits)
- Student may come to Meridian having already taken some time off from high school (dropped out from previous school)
- If pregnant, student may lose some time due to delivery
- Attendance has been an issue in prior schools
- Student is likely to have been on Special Education caseload at some point in academic career and may still be on SE caseload
- Student is likely to lose some credit at Meridian due to poor attendance especially during early semesters with us (old habits are hard to break)

Given these "pre-existing conditions," it is impossible for most of our students to earn their diplomas within four years of beginning high school since they are already behind before they ever cross our threshold. In a sense we are being penalized for the failures of their original high schools to meet their needs rather than the educational program we provide. There has to be a better way to compute the progress of these at-risk students and hold alternative high schools like Meridian accountable for the educations we provide.

But, in thinking more about five-year graduation plans, I wanted to describe a scenario we sometimes encounter @Meridian—one that also results in a five-year graduation plan for a student—but for very different reasons. For this purpose, I will describe an actual student who graduated in June '06 with a full ride to Lansing Community College as well as an acceptance to Kettering. He is attending LCC, doing well and plans to transfer to Kettering after two years to complete a four-year degree.

Z. was a very shy and quiet young man when he entered MHS in his 3rd year of high school. His schooling to this point had been mostly in Christian schools but also involved some years of home schooling. He did not mix well with other students but related better to staff. Z. was obviously bright and capable but required extra time to complete his work. He qualified for special education services as ADHD.

When he came to us Z. had earned 6 credits in his first year of high school, second year, 3 credits earned (cumulative total: 9 credits earned); He came to us during his third year of high school and earned 6.25 credits (cumulative total: 15.25) During his fourth and what should and could have been his final year in high school, Z. decided to attend the Capital Area Career Center to study in two areas of great interest to him: Drafting and Computer Programming. He delayed taking two district-required high school classes so he could complete the second year of the Career Center Drafting course even though it meant he would have a fifth year in high school We knew that this would mean that Z. would be counted as a drop-out in the Meridian High Schools stats but we also knew that a five-year high school plan was definitely in Z.'s best interest, academically, emotionally and socially. As we expected, Z. "bloomed" in those last two years of high school. He participated in a wide variety of extra curricular activities—something he had shunned his first year at MHS. He was on several sports teams, played on the chess team, and attended a week of CLOSE UP in Washington, D.C. with five other students and a teacher. During his fifth year he was employed as a draftsman on the recommendation of his Career Center teacher and got rave reviews. He is still working part-time for that employer while attending LCC. During that fifth year in high school, Z. also dated for the first time. As one of his teachers, I truly believe that Z. needed that extra year of high school to mature and be confident enough to face the challenges of post secondary education and we were happy to provide it. In our eyes he is a success story, yet, in terms of AYP, he is counted as one of our dropouts. Ironic, isn't it?

"No Child Left Behind" holds schools accountable and certainly, as an educator, I have no problem with that concept. But it is also important to remember that "one size does not fit all" in terms of education and the legislation as it is currently written seems to ignore that fact.

Reauthorizing NCLB with the recognition that some students will need to take five-years to master the skills and earn the credits necessary to graduate with a diploma is critical to the survival of alternative high schools that create safe havens for our most at-risk students so that they, too, can graduate from high school and become fully participating and contributing adults in our society.

I invite you to visit Meridian High School for a firsthand look at our programs and the students we serve.

Prepared Statement of Dr. Mary K. Lose, Oakland University

Chairman Kildee and members of the Subcommittee, I would first like to thank you for the opportunity to submit this written testimony for the record on behalf of the 24,724 first grade children who comprise the most at-risk literacy learners (the bottom performing 20%) in our Michigan schools. These are the children that our state cannot afford to 'leave behind'. Within Michigan's 5th Congressional District, this includes 521 struggling first grade students in 32 elementary schools in 18 school districts. The majority of these schools are affiliated with the regional Reading Recovery Site in the Genesee Intermediate School District in Flint, Michigan.

In 1972, I started teaching struggling middle school students who were placed in special education primarily because they could not read. Four years later I provided professional support and consultation in Learning Disabilities to administrators, teachers, and schools as a member of the Heartland Area Education Agency, one of 13 regional educational centers in Iowa that provide support to schools and that serve as a link between the Iowa Department of Education and local districts. Later, as a university professor I prepared teachers of struggling learners in Iowa and Indiana and now in Michigan as assistant professor and Director of the Reading Recovery Center of Michigan at Oakland University.

Learning to read and write in the early grades is critical to a child's future and equally importantly critical to our nation's future. Reading Recovery has a strong track record of preventing literacy failure for many first graders. Results support the investment of resources for this prevention effort. Yet, Michigan is still far from providing Reading Recovery to all the children who need it. Districts that want to implement Reading Recovery have been hard pressed to do so in this challenging economy. Many of the participating districts in Michigan experience the impact of low coverage. Four out of five students in Michigan who need Reading Recovery do not have access to the intervention. Ideally, 20 % of our state's first graders should have access to high quality one-to-one instruction by a highly-skilled, professionally-developed teacher. Michigan cannot afford to not invest early in its youngest citizens.

Children can succeed if we provide them the instruction and opportunities they require for success. To deny children what is required for their success fails them now and penalizes them for a lifetime. Those who are concerned about leaving no child behind could achieve greater equity by investing early in our children, providing the Reading Recovery intervention to the 24,724 Michigan first graders and the hundreds of thousands of our nation's children that could benefit from Reading Recovery.

Reading Recovery is a short-term early literacy intervention designed for first grade children having extreme difficulty learning to read and write. Children meet individually with a highly skilled certified teacher for 30 minutes daily for an average of 12-20 weeks. Most children served by Reading Recovery make accelerated progress and meet grade level expectations and continue learning in dependently in the classroom. Reading Recovery also serves as a pre-referral program for a small number of children who may need specialized longer-term support.

The Reading Recovery Center of Michigan at Oakland University is a not-for-profit collaborative effort among schools, districts and the university. Within the university's School of Education and Human Services, the Center conducts research and evaluation, provides technical support to schools and prepares and professionally develops 26 teacher leaders who support 591 teachers working in Reading Recovery in 138 school districts and 437 schools throughout Michigan. During the 2005-2006 school year Reading Recovery teachers provided early literacy intervention to 5,190 of Michigan's most at-risk learners and applied their expertise while working with 37,864 additional students in their other roles as classroom teacher, Title I/reading teacher, English Language teacher, special educator, literacy coach and staff developer. Since 1991, over 78,200 children have become readers and writers because of Reading Recovery.

In my 35 year career in education, it has been my passion to support the learning of the children who due to multiple risk factors such as poverty, language barriers, and learning challenges are the most vulnerable to failure in our schools. These are the children most in need of the skilled support of teachers, provided early, not later, before these children habituate failure and fall hopelessly behind their peers.

The No Child Left Behind Act is designed to support schools to help these children. Based on my observation, the NCLB Act has not entirely met its promise to children, their parents, teachers, and schools. Therefore, I respectfully request that the Committee give careful consider to the following recommendations to benefit children in Michigan and children throughout the United States so that no child will in fact be 'left behind'.

1. Assure early intervention for struggling students by retaining the "safety net" language in schoolwide Title I programs and recognize accelerated learning as crucial for closing the reading achievement gap.

Even with the most effective schoolwide program and/or classroom instruction, some students will require additional assistance. Juel's 1988 longitudinal study found that the probability that a poor reader at the end of Grade 1 would remain a poor reader at the end of Grade 4 was very high (.88) (Journal of Educational Psychology, 80(4), 437-447). Early intervention to accelerate learning is essential to close the reading achievement gap. The recent enactment of early intervening services (EIS) and response to intervention (RTI) under the IDEA reauthorization of 2004 further emphasizes the necessity of providing targeted assistance to students who need it.

2. Restore one-to-one instruction in the Reading First program.

Even the most skilled classroom teacher will be hard pressed to meet the diverse learning needs of all children in the classroom and in small group instructional settings. The Conference Committee Report for PL 107-110 states unequivocally that "The Conferees intend State educational agencies and local educational agencies to be able to select from a wide variety of quality programs and interventions to fund under Reading First and Early Reading First, including small group and one-to-one

instruction, so long as those programs are based in research meeting the criteria in the definition of scientifically based reading research." (Conference Report to Accompany HR 1, Government Printing Office, printed December 13, 2001, p. 768.).

3. Expand involvement by education, literacy and research experts on Reading First peer review panels.

The Office of Inspector General found in September 2006 that the U.S. Department of Education took action with respect to the expert review panel process for Reading First that was contrary to the balanced panel composition envisioned by Congress. Further, the OIG found that the selection of the expert review panel was not in compliance with the law because the Department failed to ensure that each State application was reviewed by a properly constituted panel. The Reading Recovery Council of North America proposes a broadened representation on the peer review panel and benchmarks expertise in research to the What Works Clearinghouse evidence standards.

4. Update the definition of "essential components of reading instruction" to reflect recent data of effectiveness.

The requirement that instruction be "explicit and systematic" is based on a conclusion from the National Reading Panel (NRP) that was later discredited by a follow-up meta-analysis. Camilli et al. found that while systematic instruction in phonics provided statistically significant improvement, it was less effective than published in the NRP report and also was less effective than instruction provided by an individual tutor (Education Policy Analysis Archives, Vol. 11, No. 5, May 8, 2003, ISSN 1068-2341).

5. Amend the definition of "scientifically-based reading research" to reflect the contributions of the United States Department of Education What Works Clearinghouse toward identifying high quality research.

6. Establish and maintain achievement standards, but ensure accountability through assessments that measure individual children's growth over time in literacy, not a one-size-fits all standard for all learners.

Thank you again for this opportunity. I would be happy to provide you or your staff additional information about Reading Recovery in Michigan.

Prepared Statement of Linda Schmidt, Policy Adviser, Michigan Department of Human Services

Chairman Kildee and Members of the Subcommittee: Thank you for the opportunity to provide testimony regarding the reauthorization of the Elementary and Secondary Education Act and No Child Left Behind.

The mission of the Michigan Department of Human Services (MDHS) is to assist children, families and vulnerable adults to be safe, stable and self-supporting.

In 2003, Governor Granholm created a visionary strategy for linking two of the state's most pressing issues; the need to increase efficiency and access to services through improved service delivery integration across state departments, and the need for innovative strategies to address poverty and its compounding effects on children and families. One project that grew out of this vision is the Family Resource Center project.

Family Resource Centers (FRCs) are service centers where MDHS staff and other public and private human service providers are stationed within schools. Schools are selected based on the concentration of need experienced by families within the school's attendance area, and the school's AYP status. Public services offered through the county MDHS office are provided directly on-site at the school. At most FRC sites, MDHS case managers see more than half of the parents with children enrolled in the school on a regular basis because they are receiving some form of public assistance. Often, in areas of the state including Detroit, Highland Park, Flint, Saginaw, and Muskegon Heights, the proportion of families with regular contact with MDHS is over 90%. This results in regular contact between parents receiving assistance and the school without changing or adding any programs. As families come in to see their public assistance/ MDHS worker for routine case management or to address an emerging need, other issues can be addressed at the same time. To accomplish this MDHS-FRC leaders partner with school principals, social workers, and other school staff, along with community-based programs to form collaborative teams. These teams work together to increase service delivery integration between service providers within the school sites.

MDHS-FRC leaders partner with school principals and other staff to make the most of regular contacts with families. Additionally, this ongoing relationship between families in need and MDHS translates into opportunities for the FRC partners to identify emerging trends and design specific strategies to address needs.

Michigan has determined that this process has resulted in increased participation and improved outcomes for families in areas of service ranging from nutrition education and health promotion activities to home ownership initiatives.

As FRC leadership develops, even more proactive strategies are identified. For example, the FRC at Durant Tuuri Mott School here in Flint identified the high rate of asthma among students as as significant barrier to attendance and academic achievement. FRC leaders designed a system to ensure that children who needed asthma medications were able to reliably receive it from health staff on site. This and other strategies developed by FRC leaders contributed to the school attendance rate soaring to 90%. Other centers have initiated parent workshops to train parents to support their children throughout the assessment process required by NCLB, including assisting parents in taking sample tests themselves so that they can help their children. The potential impact of creative strategies such as these is enormous, not just for children's academic success but for whole families in which parents may have resisted identifying barriers to academic excellence for themselves as well as their children.

While the impact of FRCs on parental academic achievement has not been quantified, anecdotal evidence reveals many parents whose link to MDHS resulted in improved relationships with school staff and increased parental involvement. These relationships often serve as foundations for parents to address long-standing barriers to their own achievements. Parents who have resisted going back to school have done so after experiencing this process. Especially in middle schools, FRC staff often finds MDHS families in which the parents have little more education than their children, and then subsequently design activities to address both student and parent achievement. These activities include career fairs and high school information days where students and parents get information regarding high school completion and/or community college enrollment. In addition, FRC leaders engage corporate sponsors in their communities to support parents and children who challenge themselves to take the next step toward academic excellence by providing prizes for participation and achievement.

In addition to leveraging resources to increase efficiency and create proactive strategies that address shared goals between departments, FRCs have a significant and positive impact on schools' ability to make AYP as required by NCLB. In 2005-06, schools that had previously failed to make AYP and which housed an FRC were more likely to make AYP enough years in a row to get out of AYP phases altogether (40% of FRC-linked schools who had previously been placed on the priority schools list for not making AYP subsequently made AYP enough years in a row to get off the list of priority schools compared to 10% of schools without a FRC).

A NCLB reauthorization that is accompanied by more realistic levels of funding for school districts would greatly enhance the ability of districts to partner with MDHS to create Family Resource Centers. Currently, the process of starting a new center necessitates each local community going hat-in-hand to corporations and private funders to solicit backing needed to create a center. While in theory this may be a successful way to engage communities in school improvement, in practice it makes it nearly impossible to establish FRCs in the communities in which they are most needed. Increased funding for NCLB, especially Title I funds for districts, are essential. In addition, if state departments of education received increased funding targeted toward creating integrated service delivery systems within schools most in need, such as that included in Title X, Coordinated Services Projects, of the Improving America's Schools Act of 1994, there would be a reduction in the duplication of effort each new set of potential FRC partners experience as they work together toward creating a new site. Material assistance and technical support from the state departments of education could easily result in FRCs or other public service integration projects. Based on Michigan's experience, the number of schools ready to form partnerships to jointly address poverty reduction and education goals far outnumbers the amount of technical and material assistance available.

Increased funding of NCLB, including funding set aside for the creation of integrated service delivery systems, would greatly enhance states' efforts to meet NCLB goals, and result in more efficient use of public resources aimed at assisting families in need.

Prepared Statement of Carol Shanahan, Teacher, Vern Van Y Elementary School

Chairman Kildee, I am Carol Shanahan, a teacher at Vern Van Y Elementary School in Burton, MI, and I request that the following testimony be included in the record of the April 12, 2007 Subcommittee hearing held in Flint, Michigan.

As a second grade teacher and a Reading Recovery teacher, I know that some children will not reach their potential if they do not have access to an early intervention program. Many children need to be serviced in literacy in the early grades in order to be successful learners. NCLB should require that all K-2 teachers receive intensive quality literacy training in college such as I received and continue to receive from Reading Recovery. Literacy training for teachers needs to be ongoing. It should require that all children struggling with literacy get the support they need as soon as possible.

Lower class size is so important in the early grades, especially K-1. It is impossible to meet the needs of our students when you cannot give them the individual help they need. The larger the class size the harder it is to meet the demands made by NCLB and more importantly the needs of the students. Every time a student is added to my class list I spend more time on class management and paperwork, which takes away from planning and instruction. Do we want to spend the money on education or on prisons? We all know that many people in the prison population are unable to read. Which ends up costing society more in the long run?

Prepared Statement of Vickie Turner, Instructor of Future Educators, Ferris State University

I would like to thank you for the opportunity of adding to your committee testimonies regarding NCLB. I was at the Hearing held in Flint Michigan on April 12, 2007 chaired by Mr. Kildee for 'No Child Left Behind'

My name is Vickie Turner. I have two Masters Degrees in Education. I am a retired Special Education Teacher of 30 years and a college instructor of future educators for Ferris State University, and Eastern Michigan University.

A standardized test driven curriculum or educational system will never be successful in showing what our students are learning. A standardized test driven curriculum only celebrates what the students do not know. We are sadly becoming a nation wrapped up in how we look on paper, instead of, how well we react to, interact with and process information.

These testing requirements under NCLB take away valuable classroom teaching time and devour our curriculums. Teachers must teach to a test rather than to what our students need from curriculums.

We are losing students because schools are no longer teaching and challenging the young minds to investigate, work with and absorb knowledge. We are merely teaching to rote learning. No wonder our students are dropping out or sleeping through their education. Students are told to memorize this and that for the test but are never given the opportunity any more to work with their knowledge to make it permanent. We are graduating students who are not near the educational standards that once were in place. We have become a testing nation instead of a nation of learners and innovators.

Our policy makers need to look at NCLB through the eyes of educators and students rather than a purely political view. These students are living breathing creative beings, not robots who dictate back information given them. By mandating NCLB at a national level, dictating what that means from a national level and then judging the results from a national level does not do justice to the quality of education we have district by district. National tested standards cannot take into account prior knowledge, environmental differences, cultural differences, transient populations, regional educational needs etc. Why would we pigeon hole and limit our educational system by only teaching and addressing one elite group. That is what a national standardized testing system does.

NCLB is killing our educational system. Our talented young educators are leaving the field of education because it is a no win situation and they are frustrated. Our experienced master teachers are retiring earlier because they are being told that after all these years they either need more schooling to meet requirements or that their job depends on getting their failing students to suddenly spring to life and succeed, all while being handcuffed by teaching to a test that bores the life out of education.

> "The educational practices we had in place in this country have produced educated people who have created and maintained the US's status as the #1 wealthiest and most powerful nation in the world for the greater part of the last century. We are the youngest 1st world nation * * * that is also the wealthiest and the most powerful. How is this legislation going to help us improve if all it is meant to do is LOWER the standard so everyone is seen as "proficient"? (and it would LOWER the standard because someone

with an IQ of 80 is mentally incapable of doing algebra, which is the lowest high school math course tested as an AYP course.)"

SHARI TURNER,
High School Teacher, Huntingtown MD.

In conclusion

NCLB is forcing us as a nation to exclude the individual student in favor of the majority. It makes us only look toward one goal and forces us to use one path to show we achieved that goal. We as a nation have always prided ourselves on our diversity yet now we are being made to turn our backs on the creativity that makes education successful. How many Einsteins are we losing because they don't fit into the mold our national educational system has forced us to forge?

In Theory No Child should ever be left behind. In practice, because of NCLB, we are leaving behind more than our children. We are leaving behind a successful and inviting educational system. There are ways of checking educational standards child by child to ensure our children are learning at their own rate. Children mature and learn at different rates why can't we allow that, as long as, we keep them moving forward in the learning process.

Thank you for your time and attention. If there is ever any way I help this committee in the future please feel free to call on me.

Here is something that tells so well how America feels about NCLB. It is from the internet and I do not know the author, but it says volumes.

No Child Left Behind-The Basketball Version

1. All teams must advance to the Sweet 16, and all will win the championship. If a team does not win the championship, they will be on probation until they are the champions and coaches will be held accountable.

2. All kids will be expected to have the same basketball skills at the same time and in the same conditions. No exceptions will be made for interest in basketball, a desire to perform athletically, or genetic abilities or disabilities. *All kids will play basketball at a proficient level.*

3. Talented players will be asked to practice on their own, without instructions. This is because the coaches will be using all their instructional time with the athletes who aren't interested in basketball, have limited athletic ability or whose parents don't like basketball.

4. Games will be played year round, but statistics will only be kept in the 4th, 8th, and 11th games.

5. This will create a New Age of sports where every school is expected to have the same level of talent and all teams will reach the same minimal goals. If no child gets ahead, then no child will be left behind.

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ALAAmericanLibraryAssociation

Testimony for the U.S. House Subcommittee on Early Childhood, Elementary and Secondary Education

April 12, 2007

Dee Gwaltney
Library Media Specialist, Lee M. Thurston High School, Redford, MI
AASL Board of Directors
ALA Councilor at Large

Chairman Kildee, thank you for allowing me to submit testimony on behalf of the American Library Association (ALA). I appreciate the opportunity to comment on the value of the school library media specialist in achieving the laudable goals of the No Child Left Behind Act (NCLB).

My name is Dee Gwaltney, and I am the library media specialist at Lee M. Thurston High School in Redford, Michigan and am a past president of the Michigan Association for Media in Education.. I am also an elected member to the Board of Directors and the Executive Committee of the American Association of School Librarians, a division of the American Library Association. In addition, I am an elected member of the ALA Council, the governing body of the American Library Association.

In 2001, with strong bipartisan support, the nation embarked on an ambitious school reform plan entitled the No Child Left Behind Act (NCLB). Among other things, NCLB requires states to set high standards for all students and holds schools accountable for the results. Further, it requires that there be a "highly qualified" teacher in every classroom. This emphasis has resulted in significant changes in how teachers are hired and retained as well as how professional development is provided. The ALA applauds the highly qualified teacher requirements in NCLB, but believes the same standards being applied in our classrooms should be extended to our nation's school libraries – that every school library should be staffed by a highly qualified, state certified library media specialist.

Section 1119 of NCLB outlines the minimum qualifications needed by teachers and paraprofessionals who work in any facet of classroom instruction. It requires that states develop plans to achieve the goal that all teachers of core academic subjects be highly qualified by the end of the 2005-2006 school year.

Yet, despite the vital role school libraries play in helping meet those requirements, NCLB is silent when it comes to the qualification of those individuals in charge of our school libraries. The more than 62,000 state certified library media specialists in public schools and 3,909 state certified library media specialists in private schools in the United States

fill multiple roles – teacher, instructional partner, information specialist, and program administrator – ensuring that students and staff are effective users of information and ideas.

School libraries are critical partners in ensuring that states and school districts alike meet the reading requirements that are part of NCLB as well as President Bush's unequivocal commitment to ensuring that every child can read by the end of third grade. President Bush and the Congress recognized the important role school libraries play in increasing literacy and reading skills when they created the Improving Literacy Through School Library program as part of NCLB (Title I, Part B, Subpart 4, Sec.1251).

The Improving Literacy Through School Library program, the first program specifically aimed at upgrading school libraries since the original school library resources program was established in 1965, is designed to improve student literacy skills and academic achievement by providing schools with up-to-date library materials, including well-equipped, technologically advanced school library media centers, and to ensure that school library media centers are staffed by state certified school library media specialists.

Multiple studies have affirmed that there is a clear link between school library media programs and student achievement, when those libraries are staffed by an experienced school library media specialist. Based on analysis from the first year of funding for the Improving Literacy Through School Libraries program, 95 percent of local education agencies have reported increases in their reading scores. The Department of Education's November 2005 evaluation of the Improving Literacy Through School Libraries program found it has been successful in improving the quality of school libraries. Fourteen statewide studies demonstrate that a strong library media program helps students learn more and score higher on standardized achievement tests than their peers in library-impoverished schools. Unfortunately, about 25 percent of America's school libraries do not have a state-certified librarian on staff.

The Michigan study of 2003 found:

- that reading test scores in Michigan elementary schools tend to rise as students spend more time in the library and library staff spend more time teaching students, working with teachers and developing collections;
- that reading test scores in middle schools usually rise as more computers throughout the entire school are networked to library resources; and
- that reading test scores usually rise in high schools as the library is open more hours, with more professional staffing, more books, and more students visiting the library on their own.

Yet many professional school library media specialists in Michigan are being replaced by non-professionals and in some cases school libraries are being closed, in part because school library media specialists and programs are not included in the NCLB requirement for "highly qualified" staff.

The skills needed to function successfully in a 21st century global workforce have gone beyond reading. Business leaders are concerned that people are now entering the workforce without information literacy skills – those skills needed to find, retrieve, analyze and use information – which equip people with the ability to think critically and work proficiently. Who better to teach information literacy than librarians, the information experts.

When it comes to our children's education, we must ensure that they receive the best instruction possible from competent, qualified instructors. This is true in the classroom and should be true in our school libraries. Education is not exclusive to the classroom; it extends into school libraries and so should the qualification we demand of our school librarians. To be a critical part of a comprehensive and renewed strategy to ensure that students learn to read (and to read well), every school library should be staffed by a highly qualified, state certified library media specialist and every school should have a school library.

As Congress begins consideration of NCLB reauthorization, ALA recommends the following:

1. Encourage each state to review their requirements for library media specialists and to define for their own state what it means to be a "highly qualified library media specialist;"
2. Set a goal for all schools receiving Title I funding to have at least one "highly qualified library media specialist" as defined by the state; and
3. Provide local flexibility for schools and districts to use funds under Title II, Part A to help hire, retain and train library media specialists so they are able to meet the 'highly qualified' definition set by the state.

We appreciate your responsiveness and look forward to determining how we can work with you to ensure that all schools are staffed by a highly qualified, state certified library media specialist.

Thank you again for this opportunity to comment on behalf of the American Library Association.

Paul G. Jordan, LMSW

April 12, 2007

Dear distinguished members of the Subcommittee on Early Childhood, Elementary, and Secondary Education:

Thank you very much for the opportunity to present testimony to your hearing. I am a member of the board of the School District of the City of Flint. I am not an expert on No Child Left Behind, and I do not speak for anyone other than myself. I do, however, have some observations that I would like to share.

The goal of providing every child in America a good education is noble, but once we look beyond its goals, the No Child Left Behind legislation falls short of its aspirations.

There are several serious problems that I am afraid will prevent those goals from being attained. The standards for improvement do not take into account the greater extent that initially lower performing districts must improve in order to meet the goal by the target date.

No Child Left Behind, as I understand it, establishes a deadline in time for school improvement that is identical for those school systems that are relatively well performing and those that have a long way to go. The existing legislation seems to entertain the pleasant fiction that improvement is simply a matter of establishing ambitious goals.

The different distances that districts must travel to meet that goal, as it were, are not accompanied by corresponding greater levels of federal funding. I do not know whether this is due to a failure of understanding, or to a calculated disconnection between reality and legislative intent. The effect is the same.

It reminds me of a famous historical situation, in a way. In the last years of the 18th century, many of the people of Paris were starving. They had no bread to eat. When she was informed of this, the well-meaning but ignorant queen of France said, "Well, if they have no bread, let them eat cake." She had no idea that, if they had no bread, they certainly had no cake.

Failing to provide resources to meet the NCLB goal betrays a similar terrible lack of understanding of the fundamental facts of life for the children of tens of millions of families who struggle. Americans do not start their school careers on an equal footing. Children from impoverished families are far more likely than their more affluent peers to begin their school careers already seriously behind in language and other fundamental skills. Beginning in early childhood, affluent Americans are more likely to provide their children with a multitude of educational advantages that our less fortunate cousins do not experience.

To establish such ambitious standards without contributing the appropriate resources to meet those goals is to set up for failure those districts that serve predominately poor children. This would be bad enough in itself, but the racial realities in America make it effectively malicious because those struggling districts disproportionately serve African Americans.

We white Americans are the heirs of over three hundred fifty years of history in which African Americans and others were brutalized, robbed, and condemned to serve the interests of their European-American cousins. The very building in which you meet as Representatives of

the people was built with slave labor. Regardless of the extent to which our own individual ancestors personally engaged in such villainy, we white Americans are the heirs of a special privilege that was achieved through stolen labor, stolen land, and opportunities denied. While and because the ancestors of others were being held back, my ancestors got ahead.

In order to provide the guidance, socialization, structure, nurturance, and educational opportunity that are provided outside the school system to more affluent children, districts that serve poorer children would have to do so with paid staff. The bottom line is that leveling the playing field for poor kids and well-to-do kids in America will require a lot of money to pay for more trained grown-ups in schools. NCLB does not provide this.

It is very curious that in our America we seem almost eager to spend virtually unlimited sums on cost-plus contracts for things that are designed to kill people, while displaying resistance to paying to adequately educate young people. I would hate to think that this reflects our most genuine national values.

We need full funding of Head Start so that every child who needs it can be provided with a chance to catch up to the children from more fortunate families at the very beginning of elementary school. We need funding for increased numbers of school social workers to work with the many troubled youngsters in our schools to increase attendance, reduce disruptive behavior, and support families in working with school staff. We need increased numbers of teachers to provide opportunities in subjects such as music and the arts while we are also providing enhanced instruction in core academic subjects. We need to provide programming that offers everyone who needs it second and even third chances at an education.

Having high standards without correspondingly increasing the resources needed to meet those standards is nothing more than a brutal charade. We can do better, and we should.

Thank you once again for your attention to this important issue.

Respectfully submitted,

Paul G. Jordan,
Assistant Secretary/Treasurer
The School District of the City of Flint, Michigan

Position Paper on Modified Curriculum
West Michigan Alternative High Schools

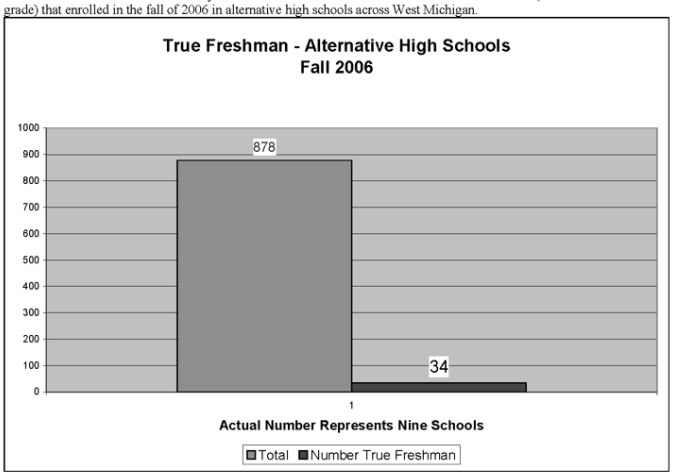
For the purpose of this paper we are defining alternative education as program that serve at risk students. We are using the NAREN (National At Risk Education Network) definition of at risk.

> "Students may be at risk when they experience a significant mismatch between their circumstances and needs, and the capacity or availability of circumstances and needs in a manner that supports and enables their maximum social, emotional, and intellectual growth and development. " NAREN

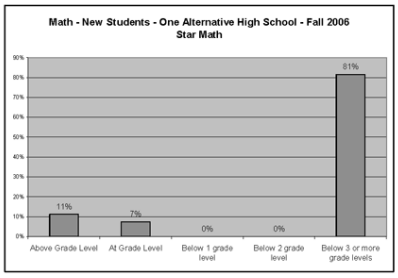
Michigan Merit Curriculum Concerns

The alternative high schools have been set up as the primary safety net for high school students. The students who attend alternative schools are behind in not only credit but often in academic abilities. There are many reasons for the students falling behind from social emotional to maturity issues. For years alternative high schools have worked to help at risk student's graduate from high school and ensure they achieve at the highest levels possible in the short time they are at alternative high schools.

The majority of students come to alternative high schools after they have been failing for several years. Advancing these students academic skills up to appropriate levels in the time allotted with the staff and budgets we receive is the miracle that we have continued to achieve for many students. Below is a chart of the number of true freshman (first time in ninth grade) that enrolled in the fall of 2006 in alternative high schools across West Michigan.



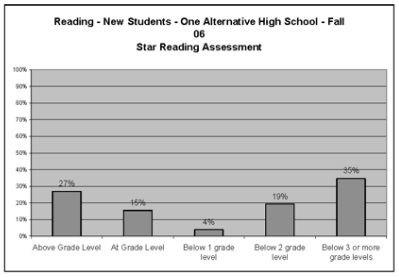
If we go beyond the limited time students attend an alternative high school we further face the challenge of their academic level. The charts below are from one alternative program but are representative of most alternative programs and the challenges they face. Some programs have statistics that are even more alarming.



Of the students new to the program who entered in the fall only 11% were above grade level and 7% were at grade level. 81% of those entering in the fall tested at least 3 grade levels behind in math.

The majority of these students will only be in the program 1-2 years. We have been very good at showing growth but with the new curriculum the challenge may be to much for some students.

The reading challenge is not as great with 42% reading at grade level or above. However this still leaves a total of 58% of our incoming students reading below grade level with 35% of the students reading 3 or more grades below grade level.



The Michigan Merit Curriculum represents a challenge we are willing to undertake for all students but we need the ability to modify the curriculum based on the needs of the individual student not on a one size fits all basis. We could fill a page with stories of students to demonstrate our point but here are a few:

1. A student entered an alternative high school in their senior year. Under our current requirements, they still needed to earn two credits in math. They had not passed one math class in high school
2. Another student entered an alternative high school at the beginning of what was supposed to be their 10th grade year. The only classes passed since 7th grade were computers and gym. The student had only 4 credits all gym and PE. Education was not a priority in this family; the parents would routinely use drugs/alcohol. The student got a pack of cigarettes for his 16th birthday from his mother. He was routinely kicked out of his house and lived with friends most of the time.
3. The CA 60 or student record was checked on another student upon their entrance into an alternative high school. The student had not passed math since the 5th grade.
4. A student entered an alternative high school in the middle of their senior year. They still needed 2.25 credits in science out of 3.0. With the flexibility of the alternative education curriculum the student is able to earn that in one semester with some correspondence curriculum. With the Michigan Merit Curriculum this might be impossible.

When the modified curriculum was first proposed, it was very reasonable and workable. Once all the restrictions were placed on it, particularly in math, the situation changed. The modified curriculum has already been expanded for other groups.

- Students who transfer in from out-of-state or Private School students: (From Summary of Senate Bill 1427 as passed by the senate 11-20-06 – House Fiscal Agency)
    - *Allow the parent of a student who transferred from out of state or from a non public school and had completed at least the equivalent of two years of high school before the transfer, to request a personal curriculum for the student.*
    - *Require a personal curriculum for a student who had transferred from out-of-state or from a non public school to include math in his or her final year of high school and if the student were enrolled in the school for at least one full school year, require that math course to be at least algebra I.*
- Special Schools - The creation of 15 specialty schools for students in the arts or gifted and talent programs.
- Special Education - In December, 2006, the parents of special education students were granted the ability to use a defined committee process to can adjust the Michigan Merit Curriculum to meet their student's needs.

The alternative high schools from West Michigan are asking that similar considerations be made for our students, allowing us to look at each student individually and use a committee process to modify the Michigan Merit Curriculum for them after two years in high school. We do not want this to be an easy out for students but rather we request that a reasonable expectation be set for our students understanding that one size does not fit all and students do not all have the same abilities at the same age.

Endorsed – March 8, 2006 – Kent County Alternative High School Task Force

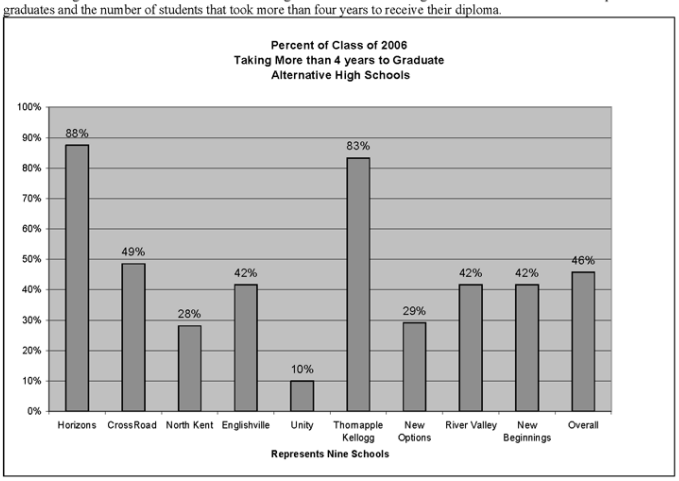
Position Paper on Graduation Rate
West Michigan Alternative High Schools

For the purpose of this paper we are defining alternative education as programs that serve at risk students. We are using the NAREN (National At Risk Education Network) definition of at risk.

> "Students may be at risk when they experience a significant mismatch between their circumstances and needs, and the capacity or availability of circumstances and needs in a manner that supports and enables their maximum social, emotional, and intellectual growth and development." NAREN

Four Year Graduation Rate

Alternative high schools across this country have been the poster child for "No Child Left Behind" for many years. Now it seems that the one place many at risk children to go to graduate will be left behind and marked as failing schools. As NCLB continues to be implemented more and more alternative programs will not be able to make AYP due to graduation rate. Regardless of test scores, the definition of graduation rate as implemented in Michigan will make it impossible for a large number of schools to make AYP. Students are usually not referred to an alternative school until they are behind in credits. The following data was collected from alternative high schools in West Michigan. The schools were asked to report number of graduates and the number of students that took more than four years to receive their diploma.



Horizons	Charter (Wyoming)	CrossRoad	Kentwood
North Kent	Comstock Park	Englishville	Sparta
Unity	Lowell	Thornapple Kellogg	Thornapple Kellogg
New Options	Allendale	River Valley	Rockford
New Beginnings	Cedar Springs		

There are many reasons why a student might take more than four years to graduate. The reasons run from developmental issues to life crisis interference with a child's education. We could fill a page with stories of students to demonstrate our point but here are a few:

1. A male student took 5 years to graduate from high school. During the first couple years of high school his mother was very ill. While there was a father in the picture, the father never came to school for any reason. During this stressful family time, he began to use marijuana. There was basically no parental supervision. His mother died during what was supposed to be his junior year. The older sister tried to keep her brother on track. He dropped in and out of high school for about a year. Finally he pulled it back together.
2. A female student was pregnant and missed some school to have her baby during her 10th grade year. She did fairly well her 11th grade year, but was behind in credits due to missing some time the year before. Just before school was out, she informed us she was pregnant again. As she started her 12th grade year, she started abusing drugs. She was left by a "friend" at a drug dealer's house in SE Grand Rapids where she was sexually assaulted. She started doing sexual favors for drugs, and was arrested on Division for possession of drugs, drug paraphernalia, and prostitution. She spent five months in drug rehab/jail where she continued to take classes to work toward graduation. She came back for her 13th year for one semester and graduated last spring.
3. A student lost 2 friends to a car accident and becoming extremely depressed he failed his entire junior year. Therefore he had to take a fifth year to earn the correct number of credits to graduate.

According to NCLB calculation of AYP for high schools must include graduation rate as defined below:

> NCLB 111(b) (2) (C) (vi) in accordance with subparagraph (D), includes graduation rates for public secondary school students (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years) and at least one other academic indicator, as determined by the State for all public elementary school students; and

This regulation clarifies that alternate definition that accurately measures the graduation rate are permissible. We have further noted that in a "Decision Letter on Request to Amend Washington Accountability Plan" dated September 1, 2005 the following was approved.

Extended graduation rate (Element 7.1)

> Washington will calculate, for AYP purposes, a graduation rate that takes into account those students who graduate in more than four years. Both graduation rates will be reported - one based on "standard number of years" and one based "extended number of years" - but the extended rate will be used for AYP purposes.

Ina July 13, 2005 press release from the US Education Department, U.S. Deputy Secretary Raymond Simon is quoted that there is a need for a better graduation rate.

> In addition, Simon announced that the Department has approved a request from the state of Washington to use an extended graduation rate when calculating its state-set achievement goals (also known as "Adequate Yearly Progress" or AYP) totals under the *No Child Left Behind Act.*
>
> The Department used several criteria before granting Washington's request, such as determining whether the statute allowed the change, whether Washington has been implementing its accountability provisions, and whether the state is on track to test all students in grades 3-8 and once more before graduation. In addition, the Department found that Washington has made good-faith efforts to inform parents, such as having school report cards with "all the right elements," Simon said, and placing their 50 state-approved tutoring providers on the Internet for the public to view. And, the Department found that Washington has the technical ability to track students in their fifth and sixth years of high school with a data infrastructure system that is already in place and is consistently being adjusted and improved.
>
> Simon said that the final and most important criterion the Department used was whether the change was good for the students themselves.

The alternative high schools of West Michigan are asking that as NCLB is reauthorized the issue of graduation rate be addressed at the national level.

Endorsed – March 8, 2008 - Kent County Alternative High School Task Force

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[Whereupon, at 1:02 p.m., the subcommittee was adjourned.]

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