



Testimony of
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Chairman Miller, Ranking Member McKeon, members of the Committee, thank you for inviting the National Governors Association (NGA) to testify today.

My name is Joan Wodiska, and I am the Director of NGA's Education, Early Childhood and Workforce Committee. I am pleased to be here on behalf of the nation's governors to discuss NGA's perspective on the need to reauthorize No Child Left Behind (NCLB) and the recently released discussion draft of Title I.

The reauthorization of the No Child Left Behind Act comes at a time of significant economic and global change, and provides a critical opportunity for all levels of government to renew our commitment to high standards and partner together to strengthen education.

According to a recent nationwide public opinion poll conducted by Dr. Frank Luntz for the nation's governors, 9 out of 10 Americans – Democrats and Republicans alike – believe that if our nation fails to innovate, our children and our economy will be left behind. And while Americans believe we have the most innovative nation in the world at the moment – ahead of China and Japan – they see America losing ground in 20 years. Why? According to the poll, Americans believe that other nations are more committed to education. America's economic future is inextricably linked to education and the public's perception of our education system. Simply put, America cannot lead the new global economy if our education system is lagging behind.

Our nation has a powerful incentive to improve the education pipeline. In the next decade, two-thirds of new jobs will require some postsecondary education beyond a high school degree. To be competitive and create the conditions for strong economic growth, states need to help all of their residents increase their skills and be prepared for lifelong learning. Much is at stake.

Governors Call on Congress to Reauthorize NCLB

No Child Left Behind is a landmark piece of federal education policy that brought transparency and accountability to our nation's public schools. NCLB provided an important framework for states, schools, and parents to focus on student achievement and ensure our nation's competitiveness. Governors call on Congress to refine and reauthorize this important law.

Governors are committed to ensuring that *every student* succeeds – not just some students, most students, or the 'bright' students. Governors believe that education policy must improve student learning and enable *all* students to reach academic proficiency. Through disaggregated data, annual testing, and transparency, NCLB is helping states and schools focus on student academic achievement and, ultimately, close the achievement gap.

Governors' litmus test for NCLB and any proposed changes to the law is simple and straightforward: *Does it help improve student learning?* Any changes should adhere to this principle and not unnecessarily limit states' or schools' ability to teach and prepare *every* child for success.

Governors are encouraged by a number of the proposed modifications in the initial discussion draft of Title I. At the same time, they continue to review proposed changes that could potentially slow or reverse state progress in education or constrain school reform efforts. Governors believe that the Committee can adequately address these concerns as it moves forward through the process.

Areas of Support

Governors are encouraged by the following modifications that appear consistent with NGA's NCLB recommendations:

- differentiated consequences;
- classification of the Priority/High Priority school designations;
- providing flexibility to assess students with disabilities;
- recognizing success and supporting proactive solutions;
- a reformed peer review process; and
- the proposal of a uniform, disaggregated graduation rate.

With regard to high school reform and a common high school graduation rate, several years ago governors led the difficult and important work of redesigning America's high schools. This work can and should be supported through the reauthorization of NCLB to ensure that every student graduates from high school prepared to compete in a global economy. Governors are pleased that the proposed high school graduation rate is consistent with the NGA High School Compact that was endorsed by 48 governors. The discussion draft allows states to utilize an interim alternative high school graduation rate, allows for exceptions for special education diplomas and alternative education settings, and provides flexibility through alternative targets. However, governors urge the Committee to work with NGA to further refine the timeframe, targets, and how to most appropriately use the five year graduation rate for accountability purposes.

Areas of Concern

Role of Governors/States: Governors are concerned that the discussion draft does not adequately recognize the role of governors and states in education. Specifically, the law needs to recognize "governors" as well as state education agencies as valued partners in education reform. The bill should support a stronger relationship between governors, state education agencies, school districts, and schools to achieve transformational change of our education system and to help all students achieve proficiency.

Education is primarily and properly a state responsibility. Elementary and secondary education is broadly defined in state constitutions, specified in state law, and implemented by school districts. Governors, not the federal government, are constitutionally responsible for the education of their citizens. Governors must maintain the authority to oversee the operation of education in their states. Despite this fact, the discussion draft does not recognize the leading role of governors in education reform.

NCLB was intended to provide a framework for accountability. NCLB should build upon existing sound state education laws and practices, including the use of existing state assessments to determine student progress. For this reason, state best practices and innovation should drive and inform federal policy, not the other way around.

To this end, NCLB needs to empower states, and schools, to learn what works best to improve and support student achievement. NCLB can support sound state education practices and reinforce state and local control by incorporating language that (1) reinforces the role of states (including governors and other state officials); (2) allows other activities, solutions, or strategies "as identified by the state"; and (3) recognizes that provisions must be "consistent with state law."

Governors strongly support the use of accountability, but the measures, systems, and solutions must be determined at the state level, not by the federal government. Maximum flexibility in designing *state* accountability systems, including testing, is critical to preserve the amalgamation

of federal funding, local control of educating, and state responsibility for system-wide reform. In short, NCLB must recognize that one-size-does-not-fit-all and that the nation's governors are a powerful leverage point to reform education.

Special Education: According to the discussion draft, a declassified special education student would remain in the special education subgroup for three years after moving out of the subgroup. Governors are concerned that this provision will seriously undermine accountability and state progress to raise academic standards for students with disabilities. The discussion draft would also federally require states to develop three different assessments for students with disabilities. The cost and feasibility of this federal mandate are unclear. NGA encourages Congress to refrain from mandating any additional federal testing requirements and to allow states to determine the appropriate test instrument to assess student performance.

English Language Learners (ELLs): Governors appreciate the provision giving states the flexibility to test the English language proficiency of new English Language Learners, the ability to appropriately reflect student performance gains, and to have those scores count for accountability purposes. Governors also appreciate the recognition that the development of new assessment tools is costly and will take time.

While these are improvements in the current law, the discussion draft would also require states to develop assessments in the native language for a group of ELLs that compose at least 10% of the school population, and may test any ELL student for up to seven years in their native language. Governors are concerned that the federal requirement to assess students in their native language and the provision to allow assessment in a native language for up to seven years conflicts with the goal of obtaining proficiency in English. In some states, ELLs are being taught exclusively in English. Research is clear that students should be tested in the language in which they are taught. The cost, feasibility, and validity of this federal mandate are also unclear. NGA urges Congress to allow states to retain the authority to determine the appropriate test instrument to assess student performance.

State Penalties: States would lose 25% of administrative funding if ELL and special education assessments are not available within two years of passage of the bill. Governors are concerned that this penalty would punish states and further hinder the development of valid and reliable assessment tools.

School Improvement and Assistance Programs: According to the discussion draft, local education agencies (LEAs) would be required to develop detailed school improvement plans, subject to peer review by individuals chosen from the LEA. While governors are encouraged by the concept of developing school improvement plans, states are concerned by the prescriptive nature of the plans, the lack of a relationship to or oversight by the state education agency, and the need for a third party objective peer review process. In particular, NGA is concerned that the overly prescriptive data requirements on local schools may result in 'paralysis by analysis' rather than empowering schools to focus on key contributors to student and teacher success. Governors are also concerned that struggling schools may lack the capacity to develop strategies that will turn around their schools.

NGA encourages Congress to work with Governors to significantly improve this section of the discussion draft. The discussion draft should build upon state established priorities and research-based strategies that work to improve student achievement and teacher capacity.

Longitudinal Data Systems: According to the discussion draft, states would be required to create federally prescribed longitudinal data systems to monitor student academic progress across grades, despite the fact that many states already have existing data systems. Longitudinal data systems are an essential tool in states' efforts to close the achievement gap. Governors recognize the importance of these information systems for diagnosing performance and determining appropriate solutions; however, governors are concerned that an insufficient amount of funding and time will be available to develop and institute these costly systems, and that existing systems may need to be unjustifiably modified.

The discussion draft is unnecessarily prescriptive including its treatment of existing data systems, requiring states to form committees, requiring the federal government to certify state data systems with independent audits, and penalizing states for failure to implement such systems. While governors believe that data systems must secure students' privacy rights, the draft legislation interferes with states' need to use student data for legitimate educational purposes.

States are making substantial progress in building data systems to monitor student progress from early education to college or beyond. In 2006, only 13 states had data systems in place to calculate a four-year, longitudinal graduation rate; now 29 states can do so. However, states need more resources and time to finish this work.

Additional Gubernatorial Priorities

As part of their efforts to improve the competitiveness of states and the nation, the nation's governors have identified a number of additional priorities that the Committee should consider as part of its reauthorization of NCLB.

Voluntary International Benchmarking: The discussion draft proposes that the National Academy of Sciences evaluate state standards. This proposal falls short of the recommendations proposed by the nation's governors to help ensure that our students will be *internationally* competitive. As the Chairman of NGA, Governor Pawlenty of Minnesota would say, students no longer compete against their peers in neighboring cities or even states – our students must compete in the global economy. Unfortunately, neither the NCLB discussion draft nor the recently signed into law America COMPETES Act addresses governors' recommendation to assist states voluntarily benchmark state standards to skills measured on the Program for International Student Assessment (PISA) or Trends in International Mathematics and Science Study (TIMSS).

State P-16 Councils: Governors also support of the creation of state P-16 councils. P-16 councils are innovative and a proven best practice that should be accelerated across all states. Several of the major advantages of state P-16 councils include:

- smoothing student transitions from one level of learning to the next, e.g. high school to college;
- aligning teacher preparation with the demands of today's and tomorrow's classrooms;
- reducing costly administrative inefficiencies, duplication, or inconsistencies;
- identifying and fixing holes in the education pipeline; and
- closing the achievement gap and improving outcomes for all students.

Most notably, state P-16 councils are critical to help prepare students for postsecondary education. Specifically, state P-16 councils can:

- identify the skill gaps for students to prepare and be successful in higher education;
- redesign high school graduation standards to match college entrance requirements;

- target for improvement schools that produce students with high remediation rates; and
- improve student postsecondary success and attainment rates.

Additional Areas of Consideration: The nation’s governors also care about and are reviewing several other provisions in the discussion draft including the proposed standard N-size, teacher quality and premium pay, a system of multiple measures, the alignment of state standards and assessments to college or work readiness, and the Graduation Promise Fund. Governors continue to review these areas of interest and intend to follow-up with the Committee during the legislative process.

Conclusion

When I was a child, my mother said to me, ‘Anything worth doing is hard. And anything not hard, probably isn’t worth much.’ Education reform is difficult; it is also worth doing. Governors learned a lot since the passage of NCLB about what works and what needed to be reformed. The last few years were filled with both challenges and opportunities as we moved to improve education for our nation’s students. However, work remains to achieve our national goal of helping every student succeed.

Governors are encouraged by the Committee’s efforts to reauthorize NCLB in a timely manner. Across the country, governors stand ready to work with Congress and the Administration to refine and reauthorize the No Child Left Behind Act.

Attachments

- NGA Official NCLB Policy (ECW-2) Education Reform
- NGA-CCSSO-NASBE Joint NCLB Recommendations



ECW-2. EDUCATION REFORM

2.1 Preamble

In today's competitive global economy, our kindergarten through twelfth grade (K-12) education system must prepare students to be successful in work, life, and in an ever and rapidly changing world. Governors support the tenets of the No Child Left Behind Act (NCLB) and are working to implement the law, close the achievement gap, and ultimately, improve achievement among all students. Congress should work closely with states to provide the necessary flexibility, while maintaining the principles of the law and holding education to the highest standard, to ensure that NCLB is working for states, school districts, and most importantly, our nation's children. During the past decade, the nation's Governors have been bold and effective leaders in the education reform movement. Under gubernatorial leadership, states have set higher standards for students and followed through with substantially increased funding to support districts and schools in helping students reach those standards. Governors have been at the forefront of the standards-based movement to improve student achievement. However, Governors recognize that much work still remains to achieve America's education goals.

Education is primarily and properly a state responsibility. Governors also recognize the important and supporting role of the federal government in education. The federal government can assist states by providing extra and essential assistance for students most in need, recognizing and assisting teachers, and supporting Governors' leadership authority through NCLB.

In the upcoming reauthorization of NCLB, Governors believe that Congress should reinforce and support sound state education practices, roll-back restrictions on states' ability to align and integrate delivery systems for students, assist and recognize the needs of our nation's teachers, and ultimately, support state efforts to raise student achievement. For this reason, Governors urge Congress to adopt and support the following recommendations to further reform elementary and secondary education.

2.2 The Role of Governors

Elementary and secondary education policy is broadly defined in state constitutions, specified in state statutes, and implemented by school districts. Federal law should support gubernatorial authority and state responsibility for K-12 education. Governors must maintain the authority to oversee the operation of education in their states at all levels. The fragmentation and diffusion of education governance creates competing interests and conflicts at a time when the system needs to move toward collective goals for all students. For this reason, NCLB must recognize and reinforce the leading role of Governors in education. Governors believe it is essential for state education agencies to adhere fully to the consultation requirements of NCLB. The U.S. Secretary of Education should require certification of compliance.

2.3 P-16 Alignment of the Education System

Governors also have taken the lead in recognizing the fundamental state responsibility for a seamless progression from preschool through college (P-16) to lifelong learning. P-16 alignment is critical to ensure that students are prepared for and successful at each step within the education system and prepared for work, postsecondary education, and life. Recognition of this seamless educational continuum is important in fashioning federal education policies. Today's competitive global economies demand that our education systems start at an early age, be available to everyone, and continue for a lifetime. This can best be achieved through a vigorous federal-state-local partnership. Moreover, vigorous

coordination among federal, state, and local education entities is important in fostering P-16 alignment of education laws. Congress should align the requirements, goals, and outcomes of NCLB with other federal education and workforce laws, promoting excellent education and smooth transitions for all students.

2.4 Accountability

Key to states' success is the use of accountability systems. Every state has developed new academic standards and assessments that measure progress against those standards. States are using standards and assessments as the foundation to build accountability systems that inform the public about the performance of students across the state and call for specific actions to be taken if a school or school district is not able to help its students do their best. Each state's accountability system is different because it aims to reflect the appropriate role that the state plays in education reform at the local level.

2.4.1 State Accountability Systems. Governors support an education system that focuses on performance, is aligned with the state's standards, and incorporates strong accountability mechanisms. Federal education resources must be accompanied by broad flexibility to ensure that those who work within the education system can be held accountable for their results. Governors strongly support the use of accountability measures, but these measures must be determined at the state level, not the federal level. Maximum flexibility in designing state accountability systems, including testing, is critical to preserve the amalgamation of federal funding, local control of education, and state responsibility for system-wide reform. Governors acknowledge that with this additional flexibility comes an added responsibility for states to develop their accountability systems, including testing, and to satisfy the intent of NCLB.

2.4.2 Assessing Student and School Performance. Governors recognize the critical importance of meaningful annual assessment of students and schools and the need for reliable, disaggregated data to understand student learning as well as the strengths and needs within a school. Governors support the requirement in NCLB to annually assess students in reading and math in grades three through eight, as well as once in high school, and believe that a combination of state and local testing satisfies federal assessment requirements. The U.S. Department of Education should approve a state's assessment plan as being in compliance with any new federal requirements for annual state student assessments if the plan meets the goals of federal accountability policies.

2.4.3 Adequate Yearly Progress. Governors support measuring adequate yearly progress (AYP) for students to provide a clear picture of student performance at the state and local levels, and to diagnose areas of need for all subgroups of students. While refinement of AYP may be necessary to reflect real-world student progress, the tenets of the law to ensure that "no child is left behind" must be fiercely preserved to ensure that all students achieve their potential and that schools are held accountable for student performance.

Governors support the use of voluntary value-added or growth models to determine AYP. Congress should work closely with Governors in the development of legislation dealing with value-added or growth models to ensure maximum state flexibility and utility, while preserving the tenets of NCLB to raise student achievement. All states should be eligible to utilize value-added or growth models.

Limited English Proficient (LEP) students, one of the fastest growing groups of students in the nation, often have difficulties participating in assessments due to language barriers. Congress and the Administration should work with Governors to provide flexibility within AYP to ensure that LEP students are given adequate time to overcome language barriers and make academic gains, and that LEP student gains are accurately reflected within school data.

Congress and the Administration should work to refine AYP to reflect the academic progress of students with disabilities. Governors believe that flexibility on alternate and modified assessments for students with disabilities should be addressed in the law. Additionally, Congress should continue to work with Governors to ensure accountability for the education of students with disabilities while also providing flexibility for and recognition of schools and states making progress.

Congress and the Administration should continue to work with Governors to ensure that states have the flexibility needed to appropriately measure the progress of all students while vigorously working to close the achievement gap among struggling students.

- 2.4.4 Data Collection.** Congress and the Administration should promote, reward, and fund the voluntary use of state P-16 data collection systems. Exemplary state longitudinal data systems that measure student progress will help pinpoint the holes in the education pipeline by improving system-wide accountability and the relationship between teaching and learning, as well as inform resource allocation. Congress and the Administration must align NCLB and other federal education data requirements.

2.5 Teacher Quality

Congress should support state efforts to create a highly qualified teacher workforce. Governors believe that high standards for the teaching profession are central to improving student performance. States are adopting different strategies to improve teacher performance. Some successful strategies include high-quality and relevant professional development activities for teachers; teacher testing and certification based on high standards, such as those developed by the National Board for Professional Teaching Standards; merit or performance pay; teacher academies; alternative routes to certification; and other methods to ensure that teachers in all classrooms have knowledge of both subject matter and teaching methods. Professional development activities should be aligned with the state's content and student performance standards and should be tied to improving student achievement.

Governors support and recognize the importance of having highly qualified teachers in the classroom and are addressing issues of teacher preparation, licensure, induction, professional development, compensation, and advancement. In addition, states are rethinking how postsecondary institutions should prepare and provide ongoing support for school professionals. Through these efforts, states are making progress towards recruiting and retaining highly qualified teachers. While Governors support current state efforts to align teacher preparation and school leader preparation programs, any federalized efforts to link teacher preparation programs with student performance should be opposed by Congress. Instead, Congress should support state or federal strategies to encourage our nation's best teachers to accept the most challenging teaching assignments.

Congress should retain its emphasis on highly qualified teachers in every classroom so that all students may benefit from strong teaching. However, Governors urge Congress to provide and codify flexibility for teachers of multiple subjects in high-need areas, particularly for special education teachers and teachers in rural areas. Flexibility is crucial to ameliorating excessive burdens and teacher shortages due to highly qualified teacher requirements.

2.6 NCLB Rewards, Incentives, and Sanctions

- 2.6.1 Rewards or Incentives.** NCLB should be amended to offer states rewards or incentives for raising student performance and holding schools to high standards. Congress should work closely with Governors to design an incentive or reward system in NCLB. Governors also believe that states should be enabled to reward or incentivize schools and school districts that raise student achievement. States, local districts, and schools that improve should not be penalized by the withdrawal of rewards or incentives when increased student achievement is reached. Federal funds should be available to states for such rewards or incentives, and any federal rewards or incentives program should be funded without a reduction in funding for critical education programs.

- 2.6.2 Supplemental Services and School Choice.** Governors recognize the need to provide assistance to struggling students. Governors urge Congress and the Administration to allow states to raise student achievement by first offering supplemental services before providing school choice. Governors support this logical progression of services for students, with an emphasis on helping students receive high quality services while staying in their school.

2.6.3 School Restructuring and Sanctions. Governors must have the discretion and wide flexibility to intervene in their states to continue to improve education. Governors support, and urge Congress to expand, the current authority granted to states in NCLB to quickly address areas of need in their education systems. Governors urge Congress to expand and reinforce gubernatorial authority in this area as well. Any federal sanctions should provide states with the time, flexibility, technical assistance, and clear authority to resolve problems and assist schools in need of improvement. In addition, Governors urge Congress to provide additional support to states to assist schools in need of improvement, since meaningful school reform requires substantial resources and capacity.

2.7 Funding

The goal of NCLB--that every child will reach proficiency as defined by the state--is supported by the nation's Governors. Governors also believe that the federal government must commit sufficient resources to ensure that states, schools, and students have the means to reach this important goal.

Congress should support full funding for the real costs of achieving proficiency for all children. Congress must make critical and substantial investments in education to support school reform--through enhanced and aligned data systems, meaningful technical assistance, reliable research, ongoing professional development, enhanced student support services, and strong accountability systems--for the achievement gap to close and for every child to succeed. Effectively preparing our nation's students for the 21st century global economy also requires investments in supporting federal education programs to reflect the continuing nature of education. In addition, each and every federal education mandate impacts state and local budgets and is often offset by resources from other state or local programs. Federal policy and funds should focus on supports and incentives for raising student achievement; federal funds should not be withheld from struggling schools or their states, as this would reduce financial resources at a time when additional assistance is necessary.

In moving toward the goal of NCLB, Congress could achieve considerable federal savings by reducing and streamlining the administrative costs and burdens of the law on states.

2.7.1 Targeting to Greatest Need. Governors recognize the link between poverty and low educational achievement. Working in conjunction and in cooperation with the states, the federal government should continue to target Title I funds to schools with the highest concentration of students living in poverty. Such support is essential if the nation is truly committed to the belief that all students can achieve at higher levels. Congress also should support targeted assistance for states working to raise student achievement among struggling subgroups of students.

2.8 Waiver Authority and State Flexibility

As the implementation of NCLB continues, the U.S. Secretary of Education should be granted enhanced waiver authority for unforeseen issues and circumstances that arise from the law.

Governors support the important NCLB provisions on exceptional or uncontrollable circumstances, such as natural disasters, emergencies, or a precipitous decline in the state's economy. Moreover, Governors believe that the U.S. Secretary of Education should be provided greater and broader waiver authority in times of natural disasters or emergencies for states. This waiver authority should include but not be limited to extending or waiving reporting requirements; waiving or modifying fiscal requirements related to maintenance-of-effort; modifying the required and allowable uses of federal funds; waiving any matching requirements for federal funds; expanding federal transferability of funds and carry-over authority for states; extending the length of time for states and schools to obligate federal funds; and adding flexibility for teacher qualifications and adequate yearly progress.

2.9 **Rigorous Curricula**

2.9.1 Science and Math Programs. The nation's Governors recognize that the growing need for highly skilled workers has caused many American companies to look increasingly to other areas of the world. The Governors believe that the United States should accept no less than to ensure that America leads the world in global innovation and remains the world's number one source of researchers, discoverers, inventors, teachers, and health care workers. Therefore, it is essential to inspire young people to pursue science and math in their future education and careers. This can be achieved by implementing real reform policies that emphasize strong educational and research development systems at every level; by implementing rigorous math and science curriculum in our schools; and by featuring strong accountability for both students and teachers.

2.9.2 Technology. Governors recognize that technology is an integral part of daily life in the 21st century, from home to school to the workplace. The use of technology in schools is not only critical in preparing our nation's students for the ever flattening global economy, but it also is an important tool to increase access to education through distance learning.

As technology becomes increasingly woven into every day life and the world marketplace, our nation's students must develop mastery over technology in order to be the premier leaders in the global economy. In addition, schools are safe and nurturing environments for students to receive critical training and practice with computers and technology. Therefore, teachers must be prepared to seamlessly utilize technology to instruct students.

Governors urge Congress to continue investing in critical programs--including, but not limited to, Title V, assistive technology, and E-Rate--that support teacher and student mastery of 21st century skills.

Governors also recognize that distance learning is increasingly important to ensure that barriers to learning are removed and that all students have access to a diversity of learning options and highly qualified teachers, even in remote areas. In addition, distance learning can facilitate meeting the goals of NCLB by removing geographic and physical barriers to education. For these reasons, Governors urge the federal government to support distance learning programs and provide enhanced technical assistance to state departments of education in the development, deployment, and expansion of distance learning programs essential for academic subjects, advanced placement coursework, and technical training.

2.9.3 Literacy Programs. Governors recognize the importance of literacy improvement efforts at all age levels to prepare our nation's students for lifelong learning and work opportunities. Governors applaud federal efforts to help states expand and create multi-generational literacy programs of the highest quality that are based on reliable and replicable research. Governors believe that literacy programs such as Reading First, which provides grants to states to ensure that all students are proficient readers by the third grade, are important components of comprehensive literacy services. Governors support continued funding of student and family literacy initiatives.

2.9.4 Civics Education. Governors support federal initiatives that seek to help states educate a more knowledgeable citizenry. Efforts that focus on improving teachers' knowledge and supporting the state development of model curricula for history, geography, and civics are examples of initiatives that will help schools, school districts, and states better prepare their students for life in a global economy, while allowing states flexibility to meet specific state situations.

2.10 **Other Supporting Elementary and Secondary Programs and Services**

2.10.1 Parental and Guardian Involvement. Parents and guardians have the primary responsibility and right to make decisions about their children's education and must be included in any decisions made on behalf of students. Governors recognize that there are actions parents can take so their children can reach their full potential. States must be allowed to use federal funds to encourage and expand the work of schools through programs designed to support parents as their child's first teacher and to further parents' participation in their children's education while also promoting collaboration with other programs and agencies that support parent involvement.

- 2.10.2 Safe and Drug Free Schools.** The Governors continue to place a high priority on making schools safe and nurturing environments for students. States have used federal Drug-Free Schools and Communities Act funds for diverse prevention efforts. Governors support the specific set-aside to assist Governors in implementing school safety and drug abuse prevention efforts and believe states should be allowed to coordinate related federal funds across state agencies for supporting state and local efforts to create a safe learning environment for all children.
- 2.10.3 Healthy Schools.** The nation's Governors are committed to--and working towards--promoting healthy schools. Governors urge the federal government to support states in these efforts through voluntary child nutrition in school meals and classes; physical activity; and partnerships among schools, families, and the community on school health and wellness initiatives. Governors also support fresh fruit and vegetable programs for school meals. In addition, many states have realigned their human services delivery systems to ensure that young children come to school ready to learn and that these children's health and emotional needs are being met so they can focus on learning. Federal education programs, including opportunities for waivers from existing regulations, should give states the option to coordinate human services delivery systems.
- 2.10.4 Continued Federal Funding for Impact Aid.** The federal government has a unique and historical responsibility to help finance the education of children connected to federal property on which no local property taxes are paid to support education. Any reduction in the federal government's commitment to impact aid would result in an unfunded mandate on states and local school districts.
- 2.10.5 School Construction Bonds.** Governors urge Congress and the Administration to support the Qualified Zone Academy Bond program and to expand its use to new construction so that states may continue to upgrade and modernize educational facilities. The federal government also should ensure that the annual authorized limit on the federal tax credit is sufficient to meet states' needs.
- 2.10.6 Innovative Programs.** Title V, Part A, Innovative Programs of NCLB, is an important program that provides critical, flexible funds to state departments of education and local school districts to help raise and improve student academic achievement. Despite the enhanced flexibility of NCLB, states and local schools continue to rely on this important program to provide and supplement educational services and resources that improve students' academic achievement. Governors urge Congress and the Administration to support and maintain funding for this flexible and important program.
- 2.10.7 National Assessment of Educational Progress.** Governors recognize the importance of the National Assessment of Educational Progress (NAEP) to provide Congress with national data in an independent role. The NAEP results were designed as a national snapshot of student performance, as they were intended. State NAEP results are not comparable with State Assessment Results, since NAEP is not based on or aligned with individual state academic standards. NAEP should not be used as the primary measure of state proficiency or as a substitute for state assessments. Rewards or sanctions should not be levied on a state based on its NAEP results, but should rely on the state's own accountability system. In addition, Governors believe it is important to recognize that NAEP is designed as a representative sample and should not be required of every student; however, NAEP should provide appropriate accommodations for students with disabilities. Given the variety and breadth of high school assessments, Congress and the Administration should closely consult with Governors before mandating a twelfth grade NAEP. The federal government must continue to ensure that all related state and local NAEP assessment expenses are fully reimbursed.

Related Policies

ECW-13, High School Reform to Lifelong Learning: Aligning Secondary and Postsecondary Education

ECW-14, Public Charter Schools

ECW-15, Principles of Federal Preschool-College (P-16) Alignment

EDC-8, State Priorities in Communications

Time limited (effective Winter Meeting 2006–Winter Meeting 2008).

Adopted Annual Meeting 1993; revised Winter Meeting 1994; reaffirmed Winter Meeting 1996; revised Annual Meeting 1996, Annual Meeting 1998, Annual Meeting 1999, Winter Meeting 2001, Winter Meeting 2002, Winter Meeting 2003, and Annual Meeting 2004; reaffirmed Winter Meeting 2005 and Annual Meeting 2005; revised Winter Meeting 2006 (formerly Policy HR-4).

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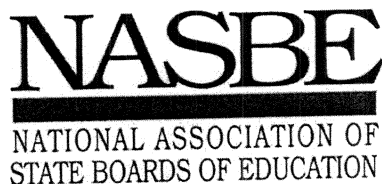
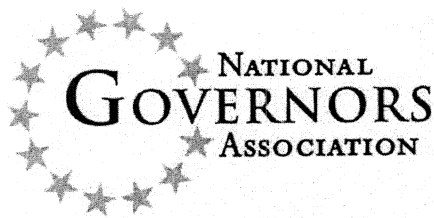
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Joint Statement on Reauthorization of the No Child Left Behind Act (NCLB)

PREAMBLE

The reauthorization of the No Child Left Behind Act (NCLB) of 2001 comes at a time of significant economic and global change, and provides a critical opportunity for all levels of government to renew our commitment to high standards and partner together to strengthen education. In today's competitive economy, our education system must work even harder to prepare students to be successful in work, life, postsecondary education and in an ever and rapidly changing world. Every student must be prepared for lifelong learning. Much is at stake.

In this effort, NCLB provided an important framework for states, schools, and parents to focus on student achievement and ensure our nation's competitiveness. However, work remains to achieve America's education goals for every student.

RECOMMENDATIONS

Since the passage of NCLB, students were assisted by key provisions in the law, but states and schools also learned what areas needed additional modifications. Given this understanding, governors, chief state school officers, and state boards of education members are offering the following recommendations to improve the academic achievement of all students to ensure they are prepared for postsecondary education, work, and lifelong learning in the 21st century.

Enhance State Accountability Systems – State standards and assessments are the foundation of state accountability systems and inform the public about student performance. States support measuring students' and schools' yearly progress to provide a clear picture of performance and to diagnose areas of improvement. While refinement of measures is necessary to reflect real-world student progress, the goals of NCLB should be preserved to ensure that all students achieve their potential and that schools are held accountable for students' performance.

Recommendation

- Allow states to use growth models to complement existing status measures. All states should be able to utilize a state-determined valid, educationally meaningful accountability system – such as growth models – to measure individual student progress. **[Section 1111 and 6161]**
- Promote and support the use of multiple measures aligned to state standards to determine student progress as part of a graduated system of classifications for schools and districts that have been identified as in need of improvement. **[Section 1111; 6111; and 6112]**

Reinforce State Assessment Decisions – States recognize the critical importance of annual assessment of students and the need for reliable, disaggregated data to understand student learning as well as the strengths and needs within an individual school. States also support the

annual assessments of students in grades 3-8 and once in high school. States are currently working to develop assessments in additional core subjects and grades.

Recommendation

- States and localities must retain the authority to determine the appropriate testing instruments to assess student performance. [Section 1111; 1905; 9527; and 9529]
- Refrain from mandating additional federal testing requirements. [Section 1111; 1905; 9527; and 9529]

Create Rewards and Differentiate Consequences – Currently, states are required to implement a system of rewards and consequences for all public schools and districts, including a series of required, escalating sanctions for Title I schools and districts. NCLB requires the same classifications and interventions for Title I schools and districts regardless of whether they missed adequate yearly progress (AYP) by a little or a lot, and regardless of the plans and capacities in place or interim progress. The focus of NCLB should shift from consequences to supporting proactive state and local solutions, providing incentives, and celebrating success in the education system.

Recommendation

- Provide and dedicate sustained resources, technical assistance, and other supports for states to develop the capacity to assist schools. [Section 1002 and 1116]
- Broaden the array of options to allow states and local school districts to differentiate and determine consequences and target interventions to student populations who do not meet AYP. [Section 1116]
- Allow states to raise achievement by first offering supplemental services prior to public school choice where applicable. [Section 1116]
- Work with governors and chief state school officers to develop a bonus system for states and schools that hold high standards and raise student performance in a significant manner. [Section 1111; 2113; and 2416]

Address Special Populations – States are committed to raising achievement for all students, including students with disabilities and English language learners (ELL). Their inclusion should continue, but in a manner consistent with their individual education goals and high expectations.

Recommendation

- Work to close the achievement gap for students with disabilities through their inclusion in an accountability system, while also incorporating existing flexibilities into the law. [Section 1111 and IDEA]
- For a limited group of students with disabilities, allow states to use alternate or modified assessments for students with disabilities, based on the student's individualized education program, to reflect student progress and achievement. [Section 1111]
- Provide flexibility within AYP to ensure that ELL students are given adequate time to overcome language barriers and that ELL student gains are accurately reflected within school performance data through the use of multiple measures or alternative assessments. [Section 1111]

Support Teacher Quality – States recognize that high standards for the teaching profession are central to improving student achievement. States are working hard to ensure that every classroom can benefit from strong teaching by adopting different strategies to improve teacher and principal

preparation, performance, and retention, including high-quality and relevant professional development activities, merit or performance pay, induction programs, teacher academies, and alternate routes to certification.

Recommendation

- Support state strategies to recruit, retain, and reward our nation's best teachers and principals. [**Title II; Section 2002; 2113; and 9101**]
- Support expansion of programs, like the Teacher Incentive Fund, to reward teachers and principals. [**Section 2113 and 2123**]
- Amend the highly qualified teacher (HQT) requirements to count newly hired teachers (particularly rural, special education, and ELL teachers) as "highly qualified" when they meet standards in their primary subject areas and are on a pathway with regard to additional subjects based on the high, objective, uniform state standards of evaluation (HOUSSE). [**Section 1116 and 9101**]
- Help states enhance their capacity to develop a highly qualified teacher workforce, including induction and mentoring programs to address retention. [**Section 2113 and 2123**]
- Support state strategies to encourage our nation's best teachers to accept the most challenging teaching assignments and discourage the practices of emergency certification of teachers and out-of-field teaching. [**Title II and Section 1111**]

Optimize, Target, and Increase Resources – States have assumed significant new responsibilities under NCLB and are required to take core actions to implement federal law and move towards the goal of every child proficient by 2014. States support this mission, but also believe that the federal government must optimize, target, and commit additional resources to ensure that states, schools, and students have the means to reach the goals of NCLB.

Recommendation

- Commit sufficient resources to enable success and close the achievement gap. [**PL 107-110 and Section 1002**]
- Provide greater state and local flexibility to transfer federal K-12 funds to achieve the goals of NCLB. [**Title VI; Section 6121; 6142; and 9201**]
- Invest substantial, long-term, consistent funding for state action and intervention in underperforming schools. [**Sections 1002; 1117; and 2141**]
- Dedicate federal resources for states to develop state assessments and P-16+ state data systems, and to provide meaningful technical assistance, reliable research, support for teachers, and enhanced student support services. [**Section 2113; 2141; 6111; 6112; and New Section**]

High School Reform – Across the nation, governors and chief state school officers are leading efforts to redesign American high schools, including improving access to Advanced Placement coursework, strengthening P-16+ longitudinal data systems, and increasing access to dual enrollment and early college options. This work can be supported and expanded to ensure that every student graduates from high school better prepared for college and career success.

Recommendation

- Expand and fund access to Advanced Placement (AP), International Baccalaureate (IB) and certificate programs for all students and preparation for teachers. [**Title I, Part 6, Section 1704 and 1705**]

- Provide grants to governors and chief state school officers to develop, enhance, and expand state dual enrollment and early college programs. [**Section 1803; 1811; 1822; and New Section**]
- Expand the use of technology to include e-learning, virtual high schools, or e-mentoring for high school students. [**Title I, Part D; Section 1825; 2415; and 2416**]

Voluntary International Benchmarking – Students no longer compete against peers in neighboring cities or even states – our students must compete in a global economy. The federal government should recognize and support states’ initiatives to voluntarily benchmark state standards to international skill sets to help improve students’ global competence.

Recommendation

- Provide grants to governors and chief state school officers to conduct a voluntary analysis of state standards with the skills being measured on Program for International Student Assessment (PISA) and Trends in International Mathematics and Science Study (TIMSS) and incentive funds to implement governor-and chief-led solutions, including standards improvements. [**New Section**]

Reinforce Role of the States – States are positioned to build on the systems developed as part of NCLB and are eager to work with Congress and the Administration to reauthorize NCLB in a manner that recognizes the leading role of states and builds on states’ tremendous accomplishments. To this end, NCLB should be revised to include a renewed state-federal partnership that promotes innovation and provides flexibility, while holding education accountable, to ensure that the law is working for states, school districts, and most importantly, our nation’s students.

Recommendation

- Amend NCLB to support, recognize, and reinforce gubernatorial and state education agency “states” authority over K-12 education. [**Section 1111; 1905; 9101; 9527; and 9529**]
- Recognize and value the leading role states play in the development, implementation, and enforcement of federal, state, and local education policies. [**Section 1111; 1905; 9101; 9527; and 9529**]

P-16+ Alignment – States have taken the lead in recognizing the fundamental responsibility for a seamless progression from preschool through college (P-16+) to lifelong learning. P-16+ alignment is critical to ensure that students are prepared for and successful at each step within the education system. Recognition of this seamless education continuum is critical in fashioning federal education policies.

Recommendation

- Align NCLB requirements, goals, and outcomes with other federal education and workforce laws, promoting excellent education and smooth transitions for all students. [**IDEA, Perkins, HEA, and Head Start**]
- Support the development of state P-16 or P-20 Councils and state P-16 or P-20 longitudinal data systems to identify and shore up holes in the education pipeline. [**Section 6111 and New Section**]

Peer Review – States and local schools are the engines of education innovation. Working together, states and the federal government can promote this commitment to continuous improvement and utilization of best practices through the peer review process and allowance for waivers.

Recommendation

- Work with states to share best practices and new innovations. [Section 1419; 1502; 1811; 2151; and 3303]
- Ensure a strong state role in the selection of qualified state peers. [Section 6162]
- Require a range of improvements in the peer review process with a focus on technical assistance, transparency, clear communication and dialogue with states, consistency in peer review standards and outcomes across states, timeliness of feedback and results. [Section 1111; 6162; and 9401]

CONCLUSION

The recommendations above represent the major issues Congress will face in reauthorizing NCLB. The nation’s governors, chief state school officers, and state boards of education members submit these joint recommendations in an effort to craft a new federal education law that preserves NCLB’s “bright line principles” while returning authority to states to ensure that all students are prepared for postsecondary education, work, and citizenship in the 21st century.

Governors (National Governors Association), chief state school officers (Council of Chief State School Officers), and state boards of education members (National Association of State Boards of Education) also recommend additional amendments to the law as outlined in their respective NCLB and ESEA policies. Our positions are also attached for your information.

CONTACT INFORMATION

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