



National
Urban League

*Empowering Communities.
Changing Lives.*

TESTIMONY OF

STEPHANIE J. JONES

**EXECUTIVE DIRECTOR
NATIONAL URBAN LEAGUE POLICY INSTITUTE**

Before the

HOUSE COMMITTEE ON EDUCATION AND LABOR

Hearing on the

***“Miller-McKeon Discussion Draft of the
Reauthorization of the Elementary and Secondary Education Act”***

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Chairman Miller and Ranking Member McKeon, I am Stephanie Jones, Executive Director of the National Urban League Policy Institute (NULPI). Located here in Washington, D.C., the Policy Institute is the research, policy and advocacy arm of the National Urban League. Dedicated to the pursuit of economic self-reliance and equal opportunity for African Americans, the Policy Institute’s work focuses on the National Urban League’s 5-point empowerment agenda that includes: economic empowerment, education and youth development, health and quality of life, civil rights, and racial justice and civic engagement.

On behalf of Marc Morial, President and CEO of the National Urban League (NUL), I want to thank this committee for the opportunity to offer our comments on the August 28, 2007 committee staff discussion draft that focuses on Title I of the *Elementary and Secondary Education Act of 1965*, the heart of which is known as No Child Left Behind (NCLB). Our analysis of the draft bill is based on how it responds to our extensive recommendations for NCLB reauthorization that were submitted to the Committee on August 9, 2007. (Copy attached)

Throughout its 97-year history, the National Urban League has amassed substantial experience in the administration and implementation of programs that serve children and youth. In just the last three years, 2004 -2006, the National Urban League has directly served more than 727,918 children and youth¹ through a range of programs. The Urban League network of affiliates is directly involved in various aspects of No Child Left Behind Act (NCLB) - as operators of charter schools, Supplemental Educational Service (SES) providers, participants and partners under the 21st Century Learning Communities, parent education specialists, and members of local and state school improvement teams.

In July 2007, the National Urban League unveiled its groundbreaking *Opportunity Compact*, a comprehensive set of principles and policy recommendations designed to

¹ (2007 Urban League Census)

empower all Americans to be full participants in the economic and social mainstream of this nation. (Copy attached) *The Opportunity Compact* is premised on four cornerstones: 1) the Opportunity to Thrive (Children); 2) the Opportunity to Earn (Jobs); 3) the Opportunity to Own (Housing); and 4) the Opportunity to Prosper (Entrepreneurship).

The Opportunity to Thrive is the first and most fundamental of these four cornerstones because only with a solid, quality educational foundation can America's children grow up to partake in the other critical opportunities that all Americans deserve. For too many African American and Latino children however, the vision of NCLB has yet to be realized. According to the National Urban League's *Opportunity Compact*,

Despite the goals of the [NCLB] Act, African American and Latino students continue to lag behind their white and Asian American peers on national standardized achievement tests. The disadvantages many minority students face on a daily basis can have a serious impact on their educational experiences. For example, minority students often attend high-poverty, poorly resourced schools with less rigorous curricula²... They also experience the injustices of overrepresentation in special education classes and under-representation in gifted and advanced placement classes³. In addition to inadequate resources, minority students are more likely to be taught by poorly qualified or inexperienced teachers⁴. Research also suggests students of color may experience bias, such as lower teacher expectations and less challenging academic standards than their white counterparts.⁵

It is from this perspective that we offer our comments on the draft proposals for reauthorization of NCLB.

Accountability – Multiple Indicators/Assessments. While the draft provides for "multiple indicators/assessments" to measure Adequate Yearly Progress beyond reading and math tests, it makes this a state option. In our recommendations, the National Urban League did call for the use of multiple measures of assessment but we are not in favor of a "menu" approach where districts could pick and choose from a list of indicators. We recommended that a "Comprehensive Accountability Framework" be put in place so that schools are accountable for student growth along all parts of the achievement continuum. Multiple measures allow for evaluation of a full spectrum of standards including higher-order thinking skills and performance skills. They also allow for greater accountability checks and balances so that one measure does not occur at the expense of others - e.g. boosting test scores by pushing out low-performing students. Therefore an index using multiple measures allows districts to track students' growth at every point on the achievement spectrum. An "index" using multiple measures should work much like those used in employment or economic forecasting (GNP or Dow Jones). The multiple measures recommended would create a "dashboard" to gauge student growth.

² See Christopher B. Knaus. "Still Segregated, Still Unequal: Analyzing the Impact of No Child Left Behind on African-American Students." In *The State of Black America 2007*. National Urban League. 2007.

³ See Caroline Rothert. "Achievement Gaps and No Child Left Behind." *Youth Law News*. April – June 2005.

⁴ Ibid.

⁵ Ibid.

The language used in the draft appears to allow greater opportunity for districts to pick and choose indicators. The "menu" approach outlined in the draft is confusing and has the potential for loopholes through which districts could hide the performance of certain populations.

Addressing Resource Inequities in Our Schools. The draft appears to move in the right direction on this issue by proposing to close the comparability loophole that currently allows school districts to provide high-poverty schools with less state and local funding, which is measured largely through teacher salaries. It requires districts to attain equity in teacher distribution and to include this information on district report cards. Title I funds were intended to supplement those schools that had high numbers of disadvantaged students in order to provide "added" support. The notion is that Title I would bring "additional" monies to high poverty schools when operating from an equal funding base as measured by teacher salaries. Instead, many of these schools received fewer state and local dollars because districts used Title I funds to supplant rather than supplement.

Community Based Organizations. The draft document appears to strengthen the inclusion of non-profit community based organizations throughout various components of the Act.

Longitudinal Data System Requirement. The draft document takes a positive step towards a longitudinal data system. However, NUL is concerned that the proposed data system is not more directly tied to a comprehensive accountability framework. The NUL recommends that states be required to develop longitudinal data systems with unique student identifiers that align student data with teacher data, school performance, and resource data. If the intent is to truly hold districts accountable for higher academic achievement then districts must provide the necessary structures, supports and conditions for high quality teaching and learning.

School Improvement and Supplemental Educational Services (SES). The National Urban League finds this section to be especially problematic. First, the NUL strongly opposes a tiered system. "Priority Schools" are those that miss AYP in one or two student groups. "High Priority Schools" missed AYP in most, if not all of their student groups. Only "High Priority Schools" would be required to provide students with SES or choice. Therefore, when the school data is disaggregated and one or two students groups do not show growth then the district will not be required to provide SES or choice. Given that the draft also allows districts to "choose" indicators from a "menu" it will be a given that districts will manipulate this to show the fewest student groups as missing AYP. It must be noted that the draft document does not appear to provide any provisions for the same one or two students groups showing up as missing AYP for multiple years. Though these schools will have "two" interventions from a list to these "struggling students" we view this as basically paperwork. For example: The schools can show how they have "revised instructional programs" to better align with state standards. Districts have to show this in their plan anyway so these "struggling" students would not necessarily get any "added" support. Of course, the assumption is that schools would "redesign, review performance of the school leadership and staff", and provide "support services". As long as the

districts select those indicators that keep the number of “high priority schools” to “10% or 50 schools, whichever is less” it appears these schools can stay in “priority” status. In its comprehensive recommendations, the NUL recommends that SES eligibility requirements be changed to offer academic support to all students not “proficient” *immediately* rather than have them wait three years before they can receive academic support.” The draft document limits access to SES to students only attending High Priority Schools and also maintains the “cap” on monies available for this service. Districts must only set aside “20 percent of the agency’s annual allocation or an amount equal to at least 20 percent of each identified school’s allocation”. It also appears that the draft document would allow districts to request the State to spend less and/or “use up to 10 percent for school improvement and assistance measures” thereby reducing the amount even further. The NUL would strongly oppose this as well. Many more students are in need of SES services than who actually have the opportunity to receive them.

Extended Learning Time. In our 2007 *State of Black America* report, the NUL recommended longer school days to keep young people – especially young boys – focused on education and away from the distractions that could lead them down the wrong paths. However, we strongly urge that any experiment with expanded learning time be funded in addition to, and not at the expense of Supplemental Educational Services.

Teacher Quality. The draft requires that all students be taught by teachers who "meet at least a minimum standard of qualifications." There does not appear to be any provision for incentives outlined in the NUL’s recommendations for securing highly qualified teachers and principals, and no provision for increasing African American male teachers as proposed by NUL. This section appears to have too many ways for districts to NOT meet the teacher quality requirement. There still remain too many loopholes for districts. Though the draft states that “struggling” students must not be taught by an “unqualified teacher” for more than “two consecutive years” the draft goes on to say if districts can’t find a qualified person then they must make this public to parents and the community and take steps to try to correct it. The original law called for the use of qualified teachers but districts made use of waivers and therefore the most “struggling” students continue to be taught by under-qualified teachers (those teaching out of field, etc). The NUL recommends further work in this area to eliminate districts from opting out from their obligation to provide qualified teachers to all students.

Private Right of Action. The National Urban League supports the bipartisan report of The Commission of No Child Left Behind (2007) recommendation that parents and other concerned parties have the right to hold districts, states, and the US Department of Education accountable for implementing the requirements of NCLB through enhanced enforcement options with the state and the US Department of Education. States and the US Department of Education should be required to establish a process to hear complaints, with the only remedy being the full implementation of the law. The National Urban League applauds the draft document’s strengthened Parental Involvement policies as an important step towards holding schools more accountable. We urge Congress to go further by including a private right of action as recommended by the Commission.

The National Urban League appreciates this opportunity to share our views with the Committee on this very early stage of the reauthorization of the No Child Left Behind Act. We look forward to working with you to ensure that the No Child Left Behind Act lives up to its original promise on behalf of all America's children.

National Urban League (www.nul.org). Established in 1910, The Urban League is the nation's oldest and largest community-based movement devoted to empowering African Americans to enter the economic and social mainstream. Today, the National Urban League, headquartered in New York City, spearheads the non-partisan efforts of its local affiliates. There are over 100 local affiliates of the National Urban League located in 36 states and the District of Columbia providing direct services to more than 2 million people nationwide through programs, advocacy and research.