



**Written Testimony of Michael A. Resnick**  
**Associate Executive Director,**  
**National School Boards Association**  
**To the U.S. House Committee on Education and Labor**  
**Discussion Draft of the No Child Left Behind Reauthorization**  
*September 10, 2007*

Chairman Miller, Ranking Member McKeon, Chairman Kildee, Ranking Member Castle, Members of the Committee. Thank you for the opportunity today to share our thoughts on the pending reauthorization of the Elementary and Secondary Education Act, or No Child Left Behind, and specifically on the Title I discussion draft.

My name is Michael Resnick, Associate Executive Director at the National School Boards Association, and I speak on behalf of the 95,000 local school board members across the country who serve the nation's 49 million students in our public schools.

I first want to express our appreciation for your leadership in pressing forward, *this year* with the reauthorization, and for the transparent manner in which you have done so, seeking input from those responsible for governing our local schools. I also want to recognize the long, hard hours your staffs already have devoted to the reauthorization.

Local school boards have had extensive experience in implementing NCLB over the past 5 years. Based on that "real world" experience, school boards are united in agreeing that the law needs significant changes. And they are united in agreeing that the status quo cannot continue for another 2 or 3 years.

If I leave you with just one overall impression today I hope it is this: we wish for the committee to continue moving forward with the reauthorization this year, but urge you to heed the lessons learned during implementation of the current law. Any comprehensive law, even the best legislation created with the best intentions, is bound to result in unintended consequences. And we all know the current NCLB has suffered that fate.

So we suggest that as you consider specific approaches that may sound right on paper, that you take pains to determine whether they can actually work where it counts: in our schools. And whether they will result in our shared goal of improving the achievement of all students. That should be the bright-line test for what should and should not be included in the law.

This will be a complicated process with time needed for local school personnel to carefully reflect and comment on the myriad changes it would bring. We urge your continued openness to

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making necessary adjustments to the bill throughout the entire process, including looking far ahead, in conference committee.

Today I will focus only on a few key issues based on our initial reaction to the discussion draft, and ask that you review our more detailed comments as submitted to the committee last week and attached to this testimony.

Overall, school boards are pleased that your draft reflects a paradigm shift away from the rigid punitive aspects and “one-size-fits-all” approach we now have, and moves toward recognizing the need for greater flexibility and increased options for states and districts in improving student achievement. This new direction also appears to emphasize a desire to provide constructive assistance.

In general we are pleased with key concepts in the draft such as growth models and indexing systems, multiple measures of academic achievement, and reforms regarding progress measures for students with disabilities and English Language Learners. We strongly support the proposed change to tighten the identification of schools for improvement to those in which the same group of students miss their academic targets in the same subject for two consecutive years. This was one of NSBA’s key recommendations made to Congress and it will help ensure that limited federal resources are strategically targeted to the students and schools most in need.

In our initial review, we believe there is much here that improves upon current law, but we do have ample concerns, and I refer you to our extensive comments for details. In some ways the draft suggests an exchange. While assistance or sanctions would be more focused, there would be an expansion on management and process duties. Right now, our overarching concern is the addition of many new layers of requirements, including significant process, data collection and reporting requirements for schools and districts.

Please keep in mind that in the past decade schools and districts have reduced administrative staff in order to reallocate resources to the classroom. The proposed changes would expand upon and add new managerial duties to a wide range of the nation’s schools. We have serious reservations that the sum total of these requirements, occurring simultaneously, will substantially complicate general understanding of the revised law and its actual implementation.

No one, least of all our students, will be well served if their schools are overwhelmed by increased data and reporting requirements, along with the numerous changes this bill would bring. For example, as states adopt growth models, develop detailed data systems, design new standards and assessments, and enact new interventions, local districts must make significant adjustments to their curriculum, instructional materials, professional development programs, and more.

When taken collectively, we question whether schools, districts, states and the Department of Education, have the capacity to carry out all that would be asked. We urge you to prioritize specific details that are absolutely necessary to help raise student achievement, and discard those that may meet a theoretical ideal but in practice will only complicate the work of schools. Or, better yet, defer to the judgment of the states and districts on this matter.

A few other concerns to briefly note:

- 1) On LEA Improvement Plans: We urge you to reconsider this exhaustive list of requirements. We are especially concerned that rural and smaller districts lack the resources and manpower to undertake all that would be required. One approach would be to develop the list as options for LEA's to consider in developing their plans and permit the specifics to be negotiated between the SEA and LEA.
- 2) On Testing of Students with Disabilities: The draft allows local districts to apply to exceed the 2 percent cap on allowances but requires schools to provide past evidence of teacher qualifications or research-based instruction. How far back in the child's education must that evidence be provided and how will schools adequately assemble it for students moving in from other districts or states? How much review of such documentation will actually occur at the state and federal levels? We believe the better approach is to defer to the IEP team evaluation, consistent with IDEA.
- 3) On Teacher Quality. We support efforts to ensure that all students have access to qualified and effective teachers and believe the federal role should be to assist this process via incentives, not the broad requirements in the draft. We question how districts will equalize school-by-school teacher salaries given the realities of negotiated contract agreements in many states. Additionally, the draft ignores other factors beyond salaries that warrant consideration. Take for example a district that lowers the teacher-student ratio at a high-poverty school staffed with qualified teachers who have slightly less experience than teachers in another school with larger class sizes. Based on salary schedules the latter school would have a higher average expenditure for salaries, yet the lower teacher-student ratio at the other school may be more significant academically.
- 4) On Labeling of Schools: Given that the draft bill defines criteria for designating which schools make or miss AYP, there is no need for the federal government to stipulate the specific label. We suggest providing states *the option* of using the bill's labels or determining their own labels, since other terms may be more consistent with their own accountability systems.

Finally, we would be remiss if we did not mention funding. Resources matter. Accountability is a 2-way street, and the federal government must do its part to ensure ample funding is provided to schools in order to meet the requirements and challenges the law creates. We recognize this is an authorizing committee, but urge you to strongly advocate for a sustained substantial investment in our schools, and to include provisions in the bill that offer relief for schools in the event adequate funding does not materialize. Our specific recommendation, included in H.R. 648, calls for a deferral of the most punitive sanctions in any year where Title I appropriations do not increase by \$2.5 billion until the program is fully funded.

This reauthorization will shape the course of America's public schools for another 5 or 6 years. We must get it right. We look forward to continuing to work with the committee as this process advances. Thank you again for hearing our initial comments.

