

Commission on No Child Left Behind, The Aspen Institute

Commissioner Andrea Messina

Testimony 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"

Monday September 10, 2007

Mr. Chairman and Members of the Committee, on behalf of the Commission on No Child Left Behind, I want to thank you for the opportunity to testify before you this morning. We appreciate your leadership in working to improve the educational achievement of all students. We also appreciate the Committee's efforts in producing a discussion draft for public comment and your willingness to have an open process to generate a quality product for the reauthorization of No Child Left Behind (NCLB).

Our Commission was charged with conducting an analysis of the law and its implementation and developing recommendations for improvements that would accelerate achievement for all children and close persistent achievement gaps. The Commission is a bipartisan organization Co-Chaired by former U.S. Secretary of Health and Human Services and Wisconsin Governor Tommy Thompson and Former Georgia Governor Roy Barnes. Our members include representatives from all levels of K-12 education governance, higher education as well as civil rights and business leaders.

We took our charge seriously. We researched. We listened. And we learned. Commissioners spent more than a year traveling the country to talk with people who live with this law every day. The Commission convened 12 public hearings and roundtables and heard testimony from 86 witnesses including state officials, superintendents, teachers, parents and their advocates, researchers and other experts and policymakers at the national, state and local levels. We also visited schools and talked with principals, teachers and students about their experiences with NCLB. For more information on Commission activities or to access our full report, please visit www.nclbcommission.org.

We are heartened to see that a number of our recommendations for strengthened accountability, improved data capabilities, collection of teacher classroom effectiveness

data, improved state standards and some improvements in high school graduation accountability are included in the initial draft. We hope to work with the Committee and our colleagues to build on this foundation to strengthen the law and to address our concerns about parts of your working draft.

Improved Accountability

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

However, many of those we heard from characterized NCLB's current adequate yearly progress (AYP) requirement as a "blunt instrument" that needed to be refined. Current law is a pass / fail standard that often does not properly credit schools that are making significant progress with kids who have further to go in reaching proficiency. We support the provisions in the Committee's draft to improve AYP measures by incorporating growth models capable of tracking individual student progress from year to year. While we agree that it is important to allow states the flexibility to innovate as new models are developed, we think it is very important that the draft requires that students must be on a trajectory to reach proficiency within three years to be counted as achieving AYP and that all subgroups must be on track to proficiency by 2014. This distinction is important because an approach that credits any forward movement as sufficient growth or consigns large numbers of students to perpetual second tier performance status would significantly weaken NCLB accountability.

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

The Commission supports the provision in the draft that requires states to limit subgroup sizes to no more than 30 students. We believe this is critical to assuring that millions of kids do not continue to be invisible in state accountability systems. The Commission also supports the provision limiting confidence intervals to 95% while also prohibiting their use in measuring student growth.

The Commission agrees with the provision of draft that would allow states to test up to 1 percent of students with disabilities (those with severe cognitive disabilities) to be assessed against alternate achievement standards using alternate assessments. However, there is not a sufficient research basis for allowing an additional 2 percent of students with disabilities to be assessed against "modified academic achievement standards" as contained in the Committee draft. The Commission recommends that no more than an

additional 1 percent of students with disabilities be allowed to be assessed against modified standards.

States currently receive an annual appropriation of nearly \$400 million for the creation of standards and tests – now complete. The Commission commends provisions in the draft requiring the development of appropriate assessments for English language learners and students with disabilities. We recommend continuing and re-tasking this appropriation for states to develop those assessments as well as to improve the quality and alignment of assessments for all students and upgrade the technology for improving the delivery and scoring of tests to more efficiently get information to administrators, principals and teachers who must make accountability and instructional decisions and to parents students who may be eligible for additional help such as free tutoring.

Multiple Indicators

NCLB currently allows states to use indicators in addition to reading and math assessments to inform educational decision making. The Committee draft, however, proposes to allow states to incorporate the use of multiple indicators that allow states to use other measures to, in effect, excuse a lack of progress in improving achievement in reading and math as measured on state test scores. The Commission does not believe that any additional indicator should be used in a way that diminishes these measures of progress in core subjects.

The Committee draft also proposes a 15 state pilot project that would allow the use of locally developed assessments for Adequate Yearly Progress (AYP) determinations. The Commission believes that this approach is an invitation for mischief and would be very likely to undercut NCLB's purpose of ensuring that all students and schools are being held to the same high expectations.

NCLB was created to ensure that all children become proficient in core subjects based on academic standards set by states. Valid and reliable assessments, taken by all students across the state, represent concrete measures of how well students are progressing toward the expectations contained in those standards.

We have a responsibility as a nation to take bold steps to accelerate progress in closing achievement gaps that still plague our schools and to ensure that all children are prepared for successful and productive lives after high school. While significant improvements must be made to NCLB to achieve that goal, we cannot afford to back away from our insistence on holding the same high expectations for all children paired with meaningful accountability for results based on objective measures of progress.

High School Accountability

The Commission appreciates the Committee's recognition that we must do more to ensure continuous achievement and improve graduation rates of high school students.

Under current law, high schools can be credited with making sufficient progress on graduation rates even though racial and ethnic minorities graduate at significantly lower rates than white students. This masks a serious problem from public view. We must bring the same urgency that we have brought to closing achievement gaps to closing graduation rate gaps. The Commission appreciates that the draft addresses the need to hold schools accountable for all students by requiring that graduation rates be reported by subgroups. However, the Commission would also recommend that schools be held accountable for closing those gaps by 2014. The Commission has also endorsed the National Governors Association Compact – which was approved by the governors of all 50 states – to bring order and uniformity to graduation rate reporting and allow comparisons across states.

While NCLB requires annual assessments in grades 3 through 8, it requires assessments to be administered only once in high school. Thus we have no way to know whether schools continue to hold high expectations for students after 10th or 11th grade and whether students continue to actually achieve to expected levels. We recommend that the Committee take an additional step by requiring states to create and implement a 12th grade assessment. The new 12th grade assessment, along with current 10th grade tests, would create a useful measure of a school's effectiveness in preparing students for college and work. This assessment would also make possible the inclusion of growth calculations in AYP for high schools and for determining teacher effectiveness. These assessments however, should be used for school accountability only and not as the sole determinant of whether a student receives a diploma.

Building Adequate Data Systems

We are also encouraged that the Committee is going to require and provide assistance to states in assuring that they build data systems that more precisely measure student achievement gains. The Commission recommends a federal investment of \$400 million over four years in partnership with the states to assure that systems are sufficient to the task of supporting an improved NCLB.

Teacher Effectiveness

There is widespread agreement that teaching is the most important in-school factor in improving student achievement. The difference effective teachers make, especially for disadvantaged children, is well documented in numerous studies and we see it in district after district across the country. Unfortunately, too many students, particularly low income students and students of color, remain in classrooms in which ineffective teaching fails to produce sufficient learning gains. Though, there are many committed and able teachers working in high poverty schools, low income students and students of color continue to be significantly more likely than their peers to be taught by the least effective teachers.

NCLB attempted to ensure that all students were taught by highly qualified teachers. But research has demonstrated that qualifications alone tell very little about a teacher's ability

to improve student achievement in the classroom. Attaining the goals of the law – providing all students with access to capable teachers who can produce substantial learning gains – requires a new approach focused on effectiveness in improving student achievement rather than on qualifications for entering the profession.

We commend the Committee's recognition of the opportunity created by implementing more sophisticated systems for tracking student performance that include an individual teacher identifier. The same longitudinal data systems necessary for the measurement of student growth from year to year also yield data on teacher effectiveness in the classroom. This creates an unprecedented opportunity to measure the effectiveness of individual teachers in improving student achievement in a way that is fair to teachers, because progress measures are based on student growth over the course of a school year rather than on reaching an absolute proficiency standard. The Commission has attached letters that we sent to Chairman Miller and Ranking Member McKeon urging the Congress to seize this opportunity. The Commission joined colleagues from the Center for American Progress Action Fund, Citizen's Commission on Civil Rights, National Council of La Raza, The Education Trust and the Mexican American Legal Defense Fund in signing the letters.

The Commission believes that a reauthorized NCLB must require states, districts and schools using growth models in measuring AYP to also measure teacher effectiveness based on improvements in student achievement and to use that information to better support teachers in improving academic performance. This data should be used to better identify professional development needs in schools and for tailoring professional development opportunities to meet teacher's needs.

Far too many teachers are subjected to ineffective and unfocused professional development that wastes their time and does not help them improve their classroom practices. Collecting and using this data over time will also make it possible to evaluate the effectiveness of various approaches to professional development – a federal investment of over \$3 billion annually – in helping teachers improve student performance.

Teacher classroom effectiveness data should also be used as the basis to assure that poor and disadvantaged students have the same access as their more advantaged peers to effective teachers who have proven their ability to improve student achievement – not just equally high paid teachers.

This data can also be used as a fair and objective basis for other innovative reforms being pursued in the states and under consideration by the Committee, such as performance pay. The Commission has recommended that districts – particularly those that struggle with high rates of teacher turnover – explore options such as bonus pay to attract the most effective teachers and those teaching in hard to staff subject areas, mentoring new teachers, recruiting individuals from non-traditional routes into the profession and conducting independent audits of working conditions and developing plans for how they will improve them.

Standards

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

We appreciate that the Committee has recognized this problem and has taken some initial steps toward addressing it in the draft. The Commission agrees that states should review their standards in collaboration with their business and higher education communities. Colleges and businesses are acutely aware of what is necessary to succeed and should play a significant role in making sure that schools expect no less. While some states, such as those working in partnership with Achieve, (an organization dedicated to improving the rigor and clarity of state standards and assessments), have begun this process, we need all of our states to refocus their expectations on what children need to know in order to be successful after high school. We also agree with the Committee's call for the creation of a common scale for making comparisons across states.

However, we do not believe that these steps alone are enough. We also recommend the creation of model national standards and assessments using the widely respected existing NAEP frameworks as a starting point.

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

- 1) Adopt the model national standards and assessments as their own for NCLB accountability purposes
- 2) Build their own assessment instrument based on the model national standards
- 3) Maintain their existing standards and assessments

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

Student Options and School Improvement

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

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

The Commission has made a number of recommendations for assuring that all eligible students are able to access free tutoring services. We do not support the approach taken in the draft that would reduce the amount of funds available for these options and allow schools identified for improvement the option of whether to make public school choice and free tutoring available. We must continue to ensure that there is an academic bottom line on behalf of children that provides immediate help to students as we work to improve school performance.

With regard to public school choice, the Commission recommends that districts be required to conduct an annual audit of available space for choice transfers. This will be important to ensuring that we are maximizing the use of available spaces and for determining whether the current system can keep NCLB's promise to provide immediate options and help for students stuck in chronically struggling schools.

So far, experience with the implementation of NCLB has shown that we have been much more successful at identifying struggling schools than we have been at actually turning them around. The Commission agrees with the principle in the Committee draft of directing more intensive attention to schools with the most significant struggles. We have recommended that districts be allowed to focus their restructuring efforts on the lowest performing 10 percent of their schools as long as those schools undertake one or more of the most aggressive restructuring options, such as converting to a charter or operation by a private provider, replacing school staff relevant to the failure and state takeover. Like the Committee draft, the Commission would recommend that this be a rolling 10 percent with new schools moving into the process as others cycle out. However, the Commission believes that it is critically important that other schools at various stages of the improvement process continue to provide choice and tutoring options to students as well as pursuing a comprehensive set of interventions designed to have a systemic impact on instruction and learning in the school.

Although education is a foundational element of our nation's economy and competitiveness, federal and state education budgets devote a far lower proportion of dollars to research and development (R&D) than private companies or other public

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

Conclusion

We commend the Committee for taking some steps in the right direction to strengthen the law such as requiring longitudinal data systems that produce more precise measures of student progress as well as producing data on teacher effectiveness in the classroom. We urge you to seize the opportunity this creates to use that data to better target professional development and other support to teachers and as a basis to assure that disadvantaged students have the same access as their more advantaged peers to teachers who have proven their ability to improve achievement. We also urge you to go further to ensure that our children are sufficiently challenged in all subjects – all the way through high school – that are important to their future success by creating a strong mechanism for improving the rigor of state standards and assessments. Finally, we must make sure that high-quality options such as public school choice and free tutoring are available and easily accessible for all eligible children as we work to become as effective in improving performance in struggling schools as we are at identifying them.

Thank you.

August 29, 2007

The Honorable George Miller
Chairman, Committee on Education and Labor
U.S. House of Representatives
2205 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Miller,

There is widespread agreement that teaching is the most important in-school factor in student success. All of our nation's students deserve instruction that helps them advance their learning. Unfortunately, too many children languish in classrooms in which the teaching fails to result in strong learning gains. Additionally, too many teachers are subjected to ineffective and unfocused professional development that wastes their time and does not help them improve their classroom practices.

Low income students and students of color – the very students who most need strong teachers – are still significantly more likely than their peers to be taught by the weakest teachers. To be clear, there are many very committed and effective teachers working in high poverty and high minority schools. However, we all know the schools with the stiffest teaching and learning challenges get less than their fair share of the most able teachers.

Congress has the opportunity to turn the tide. In the coming reauthorization of No Child Left Behind (NCLB), we urge Congress to seize the opportunity to dramatically upgrade the quality and effectiveness of teaching in our most challenged schools by: 1) better identifying the professional development needs in these schools and tailoring professional development opportunities to more accurately meet teacher needs and 2) providing strong incentives to get the best and the brightest teachers to the schools and students that most need them.

We believe that the reauthorized NCLB must include provisions to require states, districts and schools using a growth model to measure Adequate Yearly Progress to measure teacher effectiveness based on improvements in student achievement and to use that information to better support teachers in improving academic performance.

Measuring teacher effectiveness is not only critical to ensuring that all students achieve, it is also cost-effective and workable. The same data systems necessary to support growth models in determining adequate yearly progress (AYP) in student achievement can be used to measure teacher effectiveness. This information can also be used to target limited professional development funds more productively and provide a meaningful basis for assuring that disadvantaged children have the same opportunity to receive effective classroom instruction as their more advantaged peers.

We urge Congress to require that every state that implements a growth model to measure student progress also be required to calculate growth by classroom, report that information and use it – in combination with principal and or peer observation – to prioritize professional development and to ensure that poor and disadvantaged students have the same access to effective teachers as their more advantaged peers.

Sincerely,

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