

Testimony  
on the  
“Miller-McKeon Discussion Draft of the Reauthorization of the  
Elementary and Secondary Education Act”  
before the  
Committee on Education and Labor  
U.S. House of Representatives

by the  
Council of the Great City Schools

September 10, 2007  
Washington, D.C.

Good morning, my name is Michael Casserly. I am the Executive Director of the Council of the Great City Schools. Thank you for the opportunity to testify at this hearing on the reauthorization of the Elementary and Secondary Education Act.

The Council is a coalition of 66 of the nation’s largest urban public school systems. Our Board of Directors is composed of the Superintendent of Schools and one School Board member from each city, making the Council the only national organization comprised of both governing and administering personnel and the only one whose sole mission and purpose is improving urban education.

Our member urban school systems educate more than 7.4 million students—or about 15 percent of the nation’s K-12 public school enrollment. Some 64 percent of our students are eligible for a free lunch and about 18 percent are English language learners. Approximately 78 percent of our students are African American, Hispanic, or Asian American. Nearly one-third of the nation’s students of color and poor students are educated in our schools each day.

The Council of the Great City Schools supported the passage of *No Child Left Behind* when it was heading to the House and Senate floors for final passage in December 2001. We were the only national education organization to give the legislation any measure of support, and we did so because our members wanted to be on record in support of raising student achievement, closing achievement gaps, and being accountable for results.

The Council has backed up its support of the law by providing extensive technical assistance to our members on implementing the law; publishing our annual state test scores—city-by-city, grade-by-grade, year-by-year in both reading and math for each subgroup;<sup>1</sup> initiating the Trial Urban District Assessment to track our progress as cities

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<sup>1</sup> *Beating the Odds: A City-by-City Analysis of Student Performance and Achievement Gaps on State Assessments*, March 2006.

on the National Assessment of Educational Progress (NAEP);<sup>2</sup> conducting research on the reforms that are common among major urban school systems across the country that are making substantial academic gains;<sup>3</sup> and organizing Strategic Support Teams to help our member urban school districts raise student achievement.<sup>4</sup>

We are proud of the fact that our urban school systems have seen steady academic improvements over the last several years. Our achievement gains, in fact, now outpace those at the national and state levels on both the state assessments and on the National Assessment of Educational Progress.

Still, our overall academic performance is below state and national averages; our racially identifiable achievement gaps remain wide—although they are not much wider than those of the nation at large; and our students and schools remain a focus of NCLB and some of the nation’s most interesting and dramatic reforms. We understand the work we still need to do.

The Council of the Great City Schools is pleased with a number of features of the discussion draft that the committee has issued. Items deserving special praise include—

- The committee has been particularly open to ideas and suggestions from the public and from stakeholder organizations about how to improve the legislation. That the committee released a discussion draft is unprecedented.
- The discussion draft remains largely consistent with the intent of *No Child Left Behind*. It insists on accountability, progress, and results—none of which the Great City Schools seek to avoid.
- The draft bill provides additional time to implement instructional reforms and interventions. The draft language should mitigate some of the problems that school districts have with the annually cascading sanctions in current law. The draft also allows a planning year for schools that are in warning status, something that current law does not provide. We think that both of these provisions make instructional sense.
- The discussion draft also recognizes the current capacity limitations school districts have in simultaneously tackling reforms in numerous schools. We think this provision will help school districts focus more intensely on schools with the greatest needs.

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<sup>2</sup> *Trial Urban District Assessment: Reading and Mathematics*, 2005. National Assessment of Educational Progress: The Nation’s Report Card.

<sup>3</sup> *Foundations for Success: Case Studies of How Urban School Systems Improve Student Achievement*. MDRC for the Council of the Great City Schools, 2002.

<sup>4</sup> The Council has provided Strategic Support Teams in instruction to Cincinnati, Cleveland, Columbus, Dayton, Denver, Detroit, Kansas City (MO), Milwaukee, Newark, New Orleans, Philadelphia, Pittsburgh, Richmond, St. Louis, Toledo, and Washington, DC.

- The draft makes a first step toward addressing issues of teacher effectiveness and distribution, although the provisions are not likely to work as intended.
- The draft also puts additional resources into the development of better and more comprehensive data systems. This investment should pay dividends later in our ability to measure progress and assess teacher effectiveness.
- The committee draft, moreover, authorizes a major new program—the Graduation Promise Act—to reform and improve the nation’s lowest performing high schools with highest dropout rates. The focus of the legislation and its targeting of resources and attention is exactly what’s needed.
- Finally, the discussion draft authorizes the use of “growth models” and valuable models that would credit schools for the progress they are making towards each state’s annual measurable objectives. If implemented by the states, the provision could help guide instruction while acknowledging improvement.

At the same time, the Council has substantial concerns with the draft bill. We have submitted 30 pages of detailed comments and recommendations on which we pledge to work with the committee. Our overarching concerns include —

1. The draft legislation lacks any meaningful attempt to encourage states to raise content standards or to improve their consistency from state to state. There is a new provision that would authorize the Secretary and the National Academy of Sciences to study state standards and assessments and their rigor, and make recommendations on developing a common scale to compare their results. There is no mechanism in the draft, however, to spur states to heighten expectations.

While the Council is in favor of national standards in the core subjects, we understand there is little political appetite in Congress for developing and implementing them. Still, we contend that a national pilot or some set of state incentives could help move us toward greater rigor and coherence in our national educational goals. Leaving the current patchwork of disparate state standards in place will only aggravate the inequities we see in schooling from state to state and community to community. It also allows states to lower standards in response to NCLB, a problem that echoes through the draft legislation.

2. The discussion draft, moreover, is likely to apply the law’s most serious and costly sanctions—choice, supplemental services, and restructuring—almost exclusively to the nation’s urban public schools, leaving other schools to mask their subgroup results behind schoolwide averages and avoid sanctions. This runs counter to the stated intent of *No Child Left Behind* by easing penalties on schools where minority, poor, and disabled students are not concentrated enough to notice. The problem is created in the draft in a number of ways: the school improvement designations, the “differentiated consequences,” the N-size provisions, and the multiple measures.

An example makes the point. The draft language divides schools in need of improvement into two categories: high priority and priority. A high priority school is one where half or more of its students are not proficient on the state test or one where two or more subgroups have less than half of their numbers proficient in reading and math. We (nor anyone else) do not have data yet on the second criteria, but a quick examination of Maryland data on the first criteria indicate that only 47 of the state's 883 elementary schools have less than 50 percent of their students proficient in math—all but two of which (45) are in Baltimore City or Prince George's County—and 25 schools with less than half of their students proficient in reading—all of which are in those two locations.

These two school systems need improvement to be sure, but 45 percent of all African American students in the state; 75 percent of all students with disabilities; 66 percent of all limited English proficient students; and about 56 percent of all poor students go to a public school somewhere else in the state beside these two school districts. The academic attainment of these subgroups outside of Baltimore and Prince George's County, however, is only marginally better than those inside. Yet, the draft bill would sanction schools more severely where failure is concentrated than where it is dispersed. The disparities become more or less exaggerated from state to state, depending on how each SEA defines proficiency, sets its cut scores, seeks exemptions to the N-size requirements, and seeks extra credit for such things as college-enrollment rates. This is inconsistent with the spirit of a law that insists that no child be left behind.

The provisions that produce this effect have political backing from wealthier communities that do not like having the spotlight shined on their achievement gaps. But we urge this committee not to let these communities exempt themselves from the law's accountability provisions and isolate the cities as the only jurisdictions facing the law's sanctions. The achievement gaps that are so much a focus of the bill are a national concern, not just an urban one. The committee cannot contain this issue inside our city limits. Nor should the committee abdicate these designations to the states, which have done everything in their power to game the law's accountability systems.

3. Another major concern we have with the draft involves the important issue of teacher placement. The committee is correct that the disproportionate and inequitable placement of qualified and effective teachers is a serious national issue, and we applaud you for tackling it. But we do not think the bill gets to the heart of the problem by focusing on comparability. In its simplest form, the discussion draft requires, for example, a school district to balance a Title I school having a \$50,000 per year teacher and seven years experience with a non-Title I school having a \$80,000 per year teacher and 17 years experience by allocating the difference--\$30,000—to the Title I school, hardly enough to buy even a novice teacher. There is little research to indicate, however, that the 7-year teacher is less skilled or effective than the 17-year one, but there is no research to indicate that the novice teacher is likely to be very effective. The fiscal calculation proposed in the bill is likely to create

problems that are impossible for us to solve without the corresponding authority to alter state laws or local collective bargaining agreements that often lie behind the problem. Passing the comparability requirement by itself allows the committee to claim that it addressed the problem without really doing so.

4. The discussion draft also includes important new concepts like “growth” that would give schools credit for the progress they have made even when they have not attained the state AMO. We applaud this addition to the law. We note two concerns, however. Our first concern is that the growth model, as currently proposed in the bill, will not actually do what the committee hopes it will do. The original two states, North Carolina and Tennessee, using the bill’s model see almost no effect with it. Part of the problem is that the trajectory for improvement in the bill is tied to universal proficiency by 2013-14 and too steep to jump. We propose adding a “safe harbor” provision to give credit to schools that also move students from below basic to basic and from proficient to advanced. This would have the added benefit of removing the current incentive to focus instruction solely on the “bubble kids,” who are just below the proficiency bar. The current placement of this provision in the section on multiple measures is not likely to have much effect.

The second concern is that the use of the growth provision is entirely dependent on state discretion. There are any number of large city school districts with data capacity as good as or better than their states that might be denied the ability to credit improvement if the state did not ask for the authority. We suggest adding a provision that would permit school districts with the capacity to use the approved growth model from another state if their own SEA did not seek such authority.

5. A further concern involves supplemental services. The discussion draft almost completely ignores the research to date that suggests services have moderate to negligible effect on state test scores and more students can participate when districts are providers alongside the private companies. Yet, the draft bill continues to set aside sizable portions of Title I money for providers who avoid accountability on the same measures on which school districts are responsible, and provides little flexibility to districts to use funds for other strategies with greater likelihood of success.

Nothing in the bill, moreover, explicitly allows districts to provide services, despite the fact that schools can provide SES to more eligible students for less money with comparable results. The percentage of eligible students served in cities where districts can provide SES is 24.3 percent, compared with 10.9 percent in cities where the district is not a provider.

Finally, the draft imposes supplemental services only on schools in high priority status. If these services are effective in raising student achievement, however, then they should be applied to high priority and priority schools alike; if they are not effective, then they should apply to neither.

Finally, a word about the law itself and what the new draft fails to correct. The promise of NCLB rests in its pledge to close achievement gaps and attain academic proficiency for all students, goals that galvanized support from the nation's urban schools. The law brought attention to students that schools had historically overlooked, required greater transparency in public reporting, and held school officials accountable for results.

But the law has devolved over the years into a compliance-oriented paper chase that has little to do with student learning. Instead, considerable effort has gone into specifying who should be providing what services, how teachers are credentialed, when sanctions are levied, and what data are reported. Unfortunately, precious little attention has been given to the instructional strategies and supports all schools need to attain the goals the legislation rightly set. The discussion draft attempts to put more emphasis on instruction but it misses mark with all the new requirements and procedures.

Congress needs to steer the law away from its overbearing and largely ineffectual procedural rules, streamline its requirements, and return to NCLB's foundation in the standards movement. Most importantly, the reauthorization should direct the law's resources toward instructional practices that solid research indicates actually boost student achievement rather than toward costly activities that demonstrate little promise of success. At that point, *No Child Left Behind* really could meet the grand intent that its authors so boldly envisioned.

The Council of the Great City Schools has been proud of its support of *No Child Left Behind* over the years, has worked hard to implement the law, and wants to support its latest iteration. But we have major concerns that the draft has become a loose collection of eclectic provisions—all of which our schools, which operate the largest and most complicated programs in the country, will have to reconcile and implement.

Thank you for the opportunity to testify. I would be happy to answer your questions.