



Leadership Conference on Civil Rights

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Testimony of Nancy Zirkin, Vice President and Director of Public Policy Leadership Conference on Civil Rights

Hearing of the House Committee on Education and Labor

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

September 10, 2007

Good morning, I am Nancy Zirkin, Vice President and Director of Public Policy of the Leadership Conference on Civil Rights (LCCR), the nation’s oldest, largest, and most diverse civil and human rights coalition, with nearly 200 member organizations that are united in the belief that access to a quality public education is a fundamental civil right for all children.

I would like to thank Chairman Miller, Ranking Member McKeon, and all of the Members of Committee for the opportunity to testify today, for your leadership, and for the extraordinarily hard work you and your staffs have been putting into this reauthorization. We appreciate having been brought into the process and that some of our input is reflected in the current draft.

The Elementary and Secondary Education Act (ESEA) may be the most complicated law this Congress addresses, but from the perspective of the civil rights coalition, it may also be the most important. Some groups within and outside of our coalition are inclined to defend the current law against almost any changes. The agenda of others appears to be to completely dismantle the law. Neither option is acceptable.

Within the coalition, there is a great diversity of opinions about No Child Left Behind – you’ve already heard from several LCCR members on this panel, and several more will be testifying later today. There are some provisions in this draft that we all support, such as differentiated consequences for schools that fail to make Adequate Yearly Progress (AYP), and there may even be a few that most oppose.

What we can all agree on is that the law needs substantial improvements, which must be done very carefully. Towards that end, we are particularly pleased by the attention being given to high school improvement and the graduation rate crisis afflicting low-income and minority students. Setting a clear and realistic definition of graduation rates and demanding real accountability for graduation for all subgroups is long overdue, as is a dedicated funding stream for high schools.

However, we would caution you to avoid allowing reducing a school’s “dropout” rate to be used as a substitute for improving its graduation rate. There are too many examples of states and



schools finding ways to classify students who have left school as anything other than a “dropout.” The bottom line is whether the child stayed in school through graduation and there must be accountability for any student who did not.

We also have serious reservations about the inclusion of local assessments in the bill. We share the desire to find a way to spur innovation to improve the quality of assessments and appreciate that you are attempting to do so with the pilot project in Section 1125. We recognize that the draft would require that the state assessment still be given, however we remain concerned about the implementation of local assessments, how performance on the tests would be factored into AYP determinations, and the practical ability of any state – let alone the Department of Education – to effectively monitor them to ensure that they are not used to by individual “bad actors” to evade or weaken accountability under the AYP rubric. While the timing of the release of Title VI has not allowed us to fully review it, we are greatly encouraged by the inclusion of Section 6112, the pilot program for enhanced assessments on a state-wide basis. We hope that the final draft will place greater emphasis on the state-wide approach to improving assessments.

We also appreciate the draft’s approach to English language learners (ELLs) and share the views already expressed by Ms. Pompa and Mr. Zamora. We made clear in our testimony and policy letter at the joint committee hearing on March 13th that while substantial improvements are needed in how the law treats language minority students, inclusion and accountability for these students is essential. In light of the poisonous atmosphere left behind by the failure of comprehensive immigration reform, ensuring the inclusion of ELLs – nearly 80 percent of whom, contrary to popular perception, are American citizens – is more important than ever.

There has already been some posturing on both sides about it being better to let this reauthorization fail rather than make some compromises to build a governing consensus. In the interests of children who truly have been left behind – and are still being left behind 5 years after NCLB was passed – we urge you not to let that happen.

We believe that sensible revisions to the law can maintain and strengthen accountability, improve the funding structure, implement what we have learned so far, and make the law “fair, flexible, and funded,” as Chairman Miller has called for. Missing this opportunity to reauthorize the law would have terrible consequences in the field where improvements are desperately needed and in Washington, where the political climate for the law is likely to deteriorate further.

We look forward to continuing to work with the Committee to strengthen the law and its implementation, and to seek a careful and deliberative reauthorization this year.

Thank you very much.

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