

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
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Good afternoon, my name is David Brewer, and I am the Superintendent of the Los Angeles Unified School District (LAUSD). Thank you for the opportunity to testify at this hearing on the reauthorization of the Elementary and Secondary Education Act.

LAUSD is the second largest and arguably most diverse school district in the nation – spanning 27 ethnically and economically diverse cities. More than 91% of the District’s 700,000 students are of color and 75% of our students are eligible for the National School Lunch Program. More than 40% of our students are English language learners (ELL), and of those, 94% speak Spanish as their native language. Eleven percent are students with disabilities. The district maintains more than 1,000 educational centers, 608 of which are Title I schools.

At LAUSD, we have experienced some success with the implementation of NCLB -- an overwhelming majority of our teachers are highly-qualified, our students continue to improve academically, and we remain committed to helping each and every one of our students meet adequate yearly progress (AYP) targets. But, NCLB’s inflexible “one size fits all” approach to turning around vulnerable schools has not engendered the substantial gains in achievement Congress envisioned, but rather has penalized schools that are making significant gains.

Despite achieving growth across all subgroups and at all grade levels greater than the state, reducing the achievement gap, and missing AYP on only three of the forty-six elements¹, LAUSD is entering its third year of program improvement. This means the District cannot be a provider of Supplemental Educational Services and faces fiscal and programmatic controls and sanctions. Of the District’s 608 Title I schools, 309 have

¹ The following three criterion were not met:

- 23% proficient in English language arts – 21.3% English Learners and 12.8% Students with Disabilities were proficient in English Language Arts.
- 23.7% proficient in Mathematics – 15.3% LAUSD students with disabilities were proficient.
- Have a graduation rate of 82.9% - The graduation rate declined from 65.6% in 2006 to 62.8% in 2008, a 2.8% percent decline in the first year that students were mandated to pass the high school exit exam to graduate.

failed to meet AYP – 31 of which are newly identified. 51 of the 278 LAUSD schools identified for program improvement in 2005-06 made AYP for 2006-07. This past school year, fifteen schools made AYP for two consecutive years and will exit program improvement status; three of these schools were in corrective action and have now exited. Upon first glance, these numbers appear startling. More than half of our Title I schools are not making the grade, but that isn't a fair conclusion. Let me offer the committee specific examples of schools that failed to meet AYP:

In 2007, Hamilton High School students met proficiency targets for all significant subgroups. However, they failed to achieve AYP because they did not meet the 95% participation requirement. Eighty-nine percent of African American students took the English Language Arts exam, and scored 37.1% proficient (the target was 23.3%). Ninety-two percent of Hispanic students took the mathematics exam and scored 32.4% proficient (the target was 20.9%). Mathematically, even if enough additional students had taken the exams and none had scored proficient, the school would still have made AYP. However, because the rules are so inflexible, the school failed to meet the achievement standards.

Venice High School serves an area that encompasses a major homeless population. Two-thirds of the students are Hispanic, two-thirds socio-economically disadvantaged, and nearly half are ELL's. In 2007, every significant sub-group made the target proficiency rates, with the school wide scores twice the target. Yet the school failed to make AYP because of participation rates. Most rates hovered around 94% and barely missed the 95% requirement. Again, the entire school will be penalized because the school can't meet the participation requirement.

San Miguel Elementary School serves an almost exclusively Hispanic population – 50% of whom are ELL's. This school met all AYP targets except one. English language learners failed to meet proficiency standards in English language arts by a mere 0.1%. Importantly, this school reclassified ELL's at a higher rate than the District or the state, and showed a steady growth pattern with significant numbers of students moving from below basic to basic.

We strongly agree with the need for accountability, effective teachers, and high academic achievement standards, but NCLB failed to provide the flexibility, room for innovation, resources targeted to those students who need it most, and the proven strategies to assist our staff in turning around vulnerable schools. We believe these stories illustrate the District's everyday reality. Fortunately, the discussion draft represents a positive first step to alleviate a number of our concerns.

English Language Learners

We were pleased to see that the discussion draft reflects our recommendations regarding English Language Learners. We are particularly pleased that the draft makes improvement toward better measuring and teaching English language learners. By definition, an English language learner is not proficient in English. Therefore, as the

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numbers required to test proficient or advanced continues to climb, it will be virtually impossible for any school with a significant number of ELL's to make AYP. The proposed change recognizes that fact and merely allows a school to take credit for its successes.

To date, California has not fully implemented effective native language assessments, which has greatly hindered our ability to gauge the academic achievement of our ELL population. The ability to test ELL's in the language most appropriate is educationally sound and will provide more accurate results. We do not want ELL's, or any students, to languish without recognition of their educational attainment. The modifications proposed would continue to assess these students and formally monitor their growth, but would do so without unfairly penalizing a school with unfair expectations. We are pleased to see that the discussion draft requires states to develop native language assessments in two years and that schools can use language proficiency tests in place of regular reading tests during that period.

Moreover, we are also pleased to see that states would have to identify testing accommodations for ELL's and develop a written plan for how teachers will be prepared to utilize accommodations appropriately. The Miller/McKeon draft provision to continue to count ELL's for three years after reclassification is an important and much needed step forward.

Increased Focus on Secondary Schools

We are pleased to see the increased focus on secondary schools in the discussion draft. We would greatly benefit from the expansion of resources during this critical and often under-resourced stage of education. The Graduation Promise Fund offers a promising solution to the overwhelming challenge of improving achievement in middle and senior high schools.

Growth Model

LAUSD strongly supports the required development of a statewide longitudinal tracking system and the implementation of a comprehensive growth model that provides credit to schools for gains made toward the annual measurable objectives. We are pleased that the draft would allow states to measure growth in individual student achievement over time instead of comparing cohorts of students.

While the District has the capacity to implement the growth model today, the state of California does not. I urge the committee to allow local educational agencies to adopt and implement a growth model for AYP purposes.

Multiple Indicators/Assessments

We welcome multiple measures that will help provide a comprehensive picture of student achievement rather than a snap shot based solely on a single test. While we like most of

the categories enumerated in the draft's list of multiple indicators, we have significant concerns about including college enrollment rates. To track college enrollment would require an enormous data gathering effort and would not necessarily be accurate. FERPA rules would make it difficult to track students who are 18 years and older. We do know how many students are college-ready, but would find it difficult to track enrollment. Additionally, we know that some high schools are very successful in enrolling their graduates in college, but those students are not necessarily those who complete even their first year. Because those elements measured become the required, we fear that college enrollment would become the only measure of "success" and would negate the value of career preparation that does not result in college.

Tiered Sanctions

Current law required schools that failed to make AYP to implement the same menu of interventions with no consideration of its circumstances. The discussion draft creates a two-tiered intervention system that would categorize schools that fail to meet AYP as "priority" or "high priority" schools, and allow them to implement corrective interventions accordingly. We are pleased that the draft moves away from a general prescription for all schools and provides schools - in conjunction with school districts and states - with some flexibility to implement targeted and specific interventions.

It is important to note that we remain concerned about the draft's required use of interventions such as supplemental education services. To date, there has been no credible research that concludes that supplemental education services are effective at improving student achievement. The most vulnerable schools should not be required to spend limited Title I funds on unproven programs that divert resources away from research based interventions.

Comparability

We agree with the committee that teacher quality is crucial to the achievement of our students, and we are pleased that the committee sought to address equitable placement of highly-qualified and effective teachers. However, we have significant concerns about the proposed requirement regarding comparability of teacher salaries. The implementation of this provision would require burdensome record keeping as well as mandatory transfers of teachers (a potential conflict with collective bargaining agreements). Teachers must already meet the requirements to be highly qualified and teach within their designated subject fields. Conceivably, a school may be required to release a dynamic teacher with outstanding academic preparation in order to hire a more seasoned teacher with lesser qualifications. We fail to see how that could improve instruction for our students. The requirement to have comparable expenditures of state and local funds among schools should be just that, and schools should determine how to most effectively appropriate funds to meet the needs of students.

Increased Administrative Costs and Paperwork Requirements

The draft does not recognize the increased administrative and record-keeping costs that would be required. Some of the areas that would increase costs include the requirement to explain why consensus was not reached with a private school, tracking college enrollment rates, and the requirement to make the supplemental education services application available online, for example. The meager portion of federal funds that can be spent on administrative activities are already insufficient to cover the full costs, and some of the elements in this draft would increase the encroachment of Title I on school district general funds.

Conclusion

I would like to close by sharing with you one of the District's most significant accomplishments. I am very proud to say that the only high school in California to ever exit after being in Program Improvement for five years is an LAUSD school – Banning Senior High School. This achievement was the result of a concerted, sustained effort on the part of the school, the District, and the community, and reflects strong leadership at the site.

According to Banning Principal Michael Summe:

- The staff focused on developing a strong partnership between teacher, administrators and parents.
- Data was used to develop individual plans for each student to identify their strengths and weaknesses, and services were provided according to their needs.
- The District supported the infrastructure by providing extra administrators (reading recovery administrator, bridge coordinator, dropout program advisor, and academic coaches). The District also identified and supported Achievement Solutions as the professional development provider, initiated periodic assessments for all schools to inform instruction, and provided infrastructure requirements to sustain small learning communities.
- Banning was the first comprehensive high school to have an approved plan for wall-to-wall small learning communities. Businesses and the Port of Los Angeles provide internships, enrichment activities, and academic supports.
- Professional development was determined by academic departments. The school has exceptionally strong math and English departments, and they developed interventions that focus on standards and reaching students.

We know that with adequate resources we can replicate the Banning Senior High School model around the District, but we need Congress to pass a law that will provide the much needed flexibility, resources, and room to develop and implement innovative and proven programs.

I know that the members of this committee have a serious task ahead of them with the reauthorization of NCLB and I know that you all care about the future of our children as much as we do at LAUSD. I thank you for the opportunity to share our thoughts and concerns, and I welcome your questions.

