

**Testimony on the Reauthorization of No Child Left Behind  
to the  
Commission on No Child Left Behind**

**By**

**Michael Casserly, Executive Director  
Council of the Great City Schools**



**September 25, 2006  
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Thank you Mr. Chairman. I am Michael Casserly, Executive Director of the Council of the Great City Schools. We thank the Commission for its leadership as we look forward to the reauthorization of the federal *No Child Left Behind Act*.

The Council is a coalition of the nation's largest urban public school systems, educating some 7.5 million students. Approximately 38 percent of our students are African American, about 33 percent are Hispanic, 22 percent are white, and six percent are Asian American. In addition, approximately 65 percent of our students are eligible for a federal free or reduced price lunch subsidy, and about 18 percent are English language learners. The 66 major urban school districts that comprise the Council enroll nearly 30 percent of all the poor and minority students in the nation.

We are particularly pleased to speak at this forum because the Council initially supported and continues to support NCLB—one of the few national education organizations to do so. The Council sees many of the same problems in the law as our colleagues, but we think No Child Left Behind has been generally helpful in focusing attention on student achievement, achievement gaps, and needs of poor and minority students, students with disabilities, and English language learners.

The law has also been instrumental in creating better data to inform instructional practice. And, the law—and the standards movement in general that the law sprang from—has been helpful to the nation's major cities as we have raised student achievement over the years. I am pleased to report that student achievement in our cities, in fact, has grown steadily over the last few years on both the National Assessment of Educational Progress and on the various state tests, though we still have a long way to go. (See attached charts.)

At the same time, the law has suffered almost from the beginning from inconsistent implementation, over and under interpretation of the law's provisions, an excessive orientation towards punishing people for low student achievement, and precious little research or technical assistance on how to meet the law's grand intent. Some of this has contributed to a backlash against the legislation in communities mainly outside the cities that are not used to having their achievement gaps highlighted, and has exacerbated attempts to avoid the law's sanctions though the search for loopholes that have undercut the law's ultimate aims.

The Commission's job is not an easy one because the complaints against the legislation are often contradictory and frequently self-serving. The Council of the Great City Schools suggests, however, that the overall focus and framework of the law be

retained, but that its many provisions be redefined in a way that places greater emphasis on good instruction rather than regulatory compliance and sanctions.

The Council is still in the process of formulating its positions on the reauthorization and still requires the signoff of its members, so our comments this morning should be seen as preliminary. Still, we would suggest changes in the following priority areas—

### **High Standards and Goals**

The Council and its membership are firmly committed to the standards movement and believe in the highest standards for all children. The organization has backed up its support for high standards by being some of the nation's first communities to develop and implement standards and repeatedly speaking out for their value.

The current law and its implementation, however, suffer from its incentives to actually lower standards to meet NCLB accountability requirements—something that several of our members cautioned against as the law was being written. In addition, there continues to be concerns about the highly disparate standards, assessments, and definitions that have evolved from state to state under the law. Definitions of proficiency, in fact, have become largely meaningless. The growing skepticism about the meaningfulness of these state assessments is fed by the lack of corroboration between them and the results of the National Assessment of Educational Progress (NAEP).

To address these problems, the Council would propose—

- Developing and implementing national education standards in reading, math, and the sciences. These standards should be tied to international benchmarks, and could be phased in with incentives for the states in any number of ways.
- Ensuring that the new standards reflect the depth of focus and understanding needed to master core subject matter rather than including too many topics to constitute content proficiency.
- Establishing new national goals and target dates for meeting these new standards some time in the future, say 2020.

### **Teaching and Learning**

The Council is a strong and aggressive promoter of good instruction. We have been conducting unique research around the instructional practices of some of the nation's fastest improving urban school districts, and have been translating that research into technical assistance and intervention on the ground to assist urban schools in the reform and improvement of their instructional practices.

We are concerned, however, that *No Child Left Behind* has evolved from a piece of legislation that was intended to raise student achievement to one that has educators in the field largely focused on compliance with technical provisions or on trying to avoid the sanctions—but not on the kinds of instruction that would actually meet the legislation’s goals. In addition, the law is often not structured in a way that would make this instructional priority evident. Finally, the law has set up very weak mechanisms by which either states or local school systems could receive help in meeting the law’s academic goals or that could assist both levels in building enough capacity on their own to do so. At present, the goals of the Act are often undercut by the lack of capacity in the field to do anything but meet the law’s legal and regulatory requirements but not its academic goals.

To address these problems, the Council would propose—

- Redefining and recasting the current sanctions in the law around instructional intervention strategies to raise student achievement rather than around punishments for failure. The Council suggests revamping the current four stage sanction system (school improvement I, school improvement II, corrective action, and restructuring) so that—
  - (a) Schools not meeting targets would go into a one-year “warning” status during which time they would have to develop plans in conjunction with their districts for improvement.
  - (b) Schools that continued not to meet targets would go into a three-year “corrective action” status (combining the multiple stages that exist under current law). During this period, the school would lose control of the ability to determine its own instructional system and would be supervised by the school district in undertaking such interventions as: provide extended-time instructional programs for all students below proficiency, institute scientifically-based instructional programs, increase diagnostic and interim testing, provide coaching for core-content teachers, provide intensified professional development to teachers and staff around implementation of the instructional program, provide incentive pay for the best teachers, implement intervention strategies and programs proven to have produced results, establish individualized tutorial sessions, offer the option to transfer to another school, and present parents the opportunity to opt out of the school’s extended-time program and receive privately provided services at district expense.
  - (c) Districts would have to spend up to the current local 30% set-aside of their Title I resources on these instructional strategies in schools that were not making AYP.
  - (d) Districts would be required to either close a school exhibiting sustained and pervasive failure or reconstitute it at the end of the three year corrective action period.

- Lifting restrictions on LEAs from providing their own supplemental services.
- Authorizing financial incentives for the best teachers to teach in lowest performing schools, and providing federal incentive funds for pay-for-performance initiatives.

### **Assessments**

The Council is a proponent of good testing and has backed up that support by volunteering for President Clinton’s voluntary national tests, publishing our annual state test scores, and initiating the Trial Urban District Assessment of NAEP. The organization also believes in the value of periodic assessments over the course of the school year to shape instructional decisions about where to place interventions, how to define professional development, and when to provide technical assistance.

The nation’s assessment system, however, lacks uniformity at both the state and local levels, is weakened by differing definitions of what proficiency means, and undercut by being tagged to vastly different standards. In addition, much of the state assessment data is being provided to local school districts too late to be helpful in providing timely notifications to parents about their options or in allowing districts sufficient time to put into place effective instructional strategies and see them work. It has also become apparent that some states have moved their tests earlier in the school year just so that they can provide results before the next year starts, undermining the ability of school systems to provide a full school year of instruction. Finally, much of the data that local districts receive from their states is not in sufficient detail to inform instructional decisionmaking.

To address some of these problems, the Council would propose—

- Requiring states to revise their tests and tether them to new national standards. NAEP is the best national-level test that the country has at the moment, but it is not designed to provide individual student-level data or to serve as an accountability mechanism.
- Establishing a common definition of proficiency that would allow greater comparability of results.
- Requiring states to provide data to LEAs in a timely fashion and in a way that would allow for local-level analysis, could inform instructional practice, and would facilitate quarterly benchmark test development. State test results are often submitted to local school systems too close to the beginning of the school year and in too unedited a fashion to be immediately useful. In addition, many results come in a form that does not allow districts to conduct their own analyses or determine what skills their students are lagging on the most.
- Authorizing funds for both state and local capacity building in data management.
- Doubling the federal investment in applied research and demonstrations. The amount and quality of research available to schools to guide them in meeting NCLB’s goals

continues to be weak, particularly in the areas of adolescent literacy, English language learners, middle and high school reform, upcoming NCLB science requirements, and effective instructional intervention systems.

- Authorize and fund the development of improved assessment options that could be used at the state and local levels to assess English language learners and students with disabilities.

### **Accountability for Results**

The Council, moreover, is a strong advocate of accountability for results. We have backed up that advocacy by calling for more and better data on student achievement, and continuously calling for stiffer mechanisms in our member districts to hold staff and boards personally responsible for student results.

At the same time, the accountability provisions in NCLB are too poorly calibrated to give the nation the assurance it needs to know that schools are being held accountable for results without creating perverse side-effects. The accountability provisions in the law, as currently crafted, also cannot distinguish between schools that are making progress and those that are not. Finally, the law's accountability structure appears to be resulting in almost universal attempts to game the system, create and expand loopholes, get out from under the law's sanctions, and efforts to overturn the law. The Department of Education, moreover, at times appears to be complicit in some of these efforts.

To address these problems, the Council would propose—

- Permitting the use of academic growth in the determination of Adequate Yearly Progress. The law might be amended to take both academic status and improvement into account simultaneously by establishing a sliding scale that would require greater improvement in schools that were furthest behind and growth in schools that were already over their AYP goals. Demonstrations of growth for a delimited number of years might also be used to keep schools from moving further down the sanctions scale.
- Set a single national N-size that is no larger than 30 students, and bar states from setting different N-sizes for each subgroup. It is clear that the Department of Education and some states have used N-size and confidence-level provisions to exempt smaller and more homogeneous schools from the law's sanctions, a practice that belies the law's intent to leave no child behind.
- Apply the same accountability requirements to all charters and EMOs that are required of regular public schools.
- Define Adequate Yearly Progress accountability around each subgroup and subject in a school that does not meet its targets over a period of time, rather than placing a

school into “improvement” status when the subgroups not making AYP change from year to year.

- Explicitly allow school districts to reconstitute schools earlier than NCLB timelines suggest, but allow reconstituted schools to restart the clock on their sanctions and districts to supersede some collective bargaining agreements that make some schools hard to reconstitute.

### **Adequate Resources**

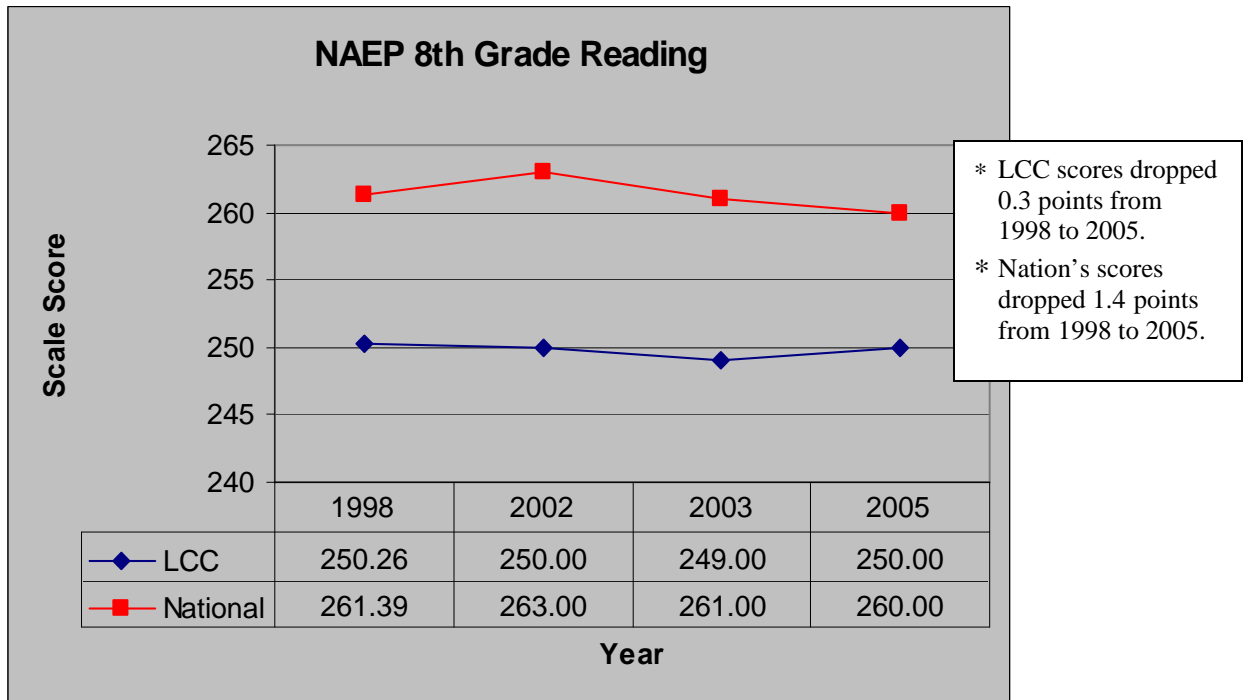
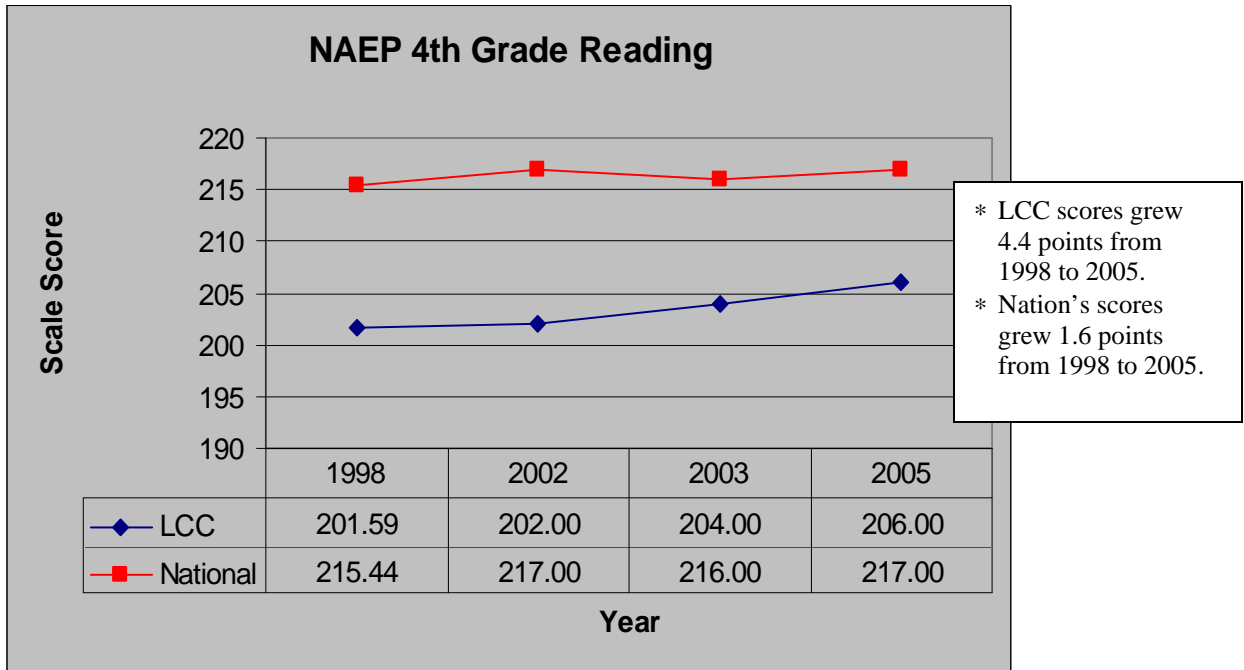
Finally, the Council believes that the resources have to be in place to ensure that the nation’s educational goals are met. This means, in our minds, that resources are adequate to meet the law’s goals and standards, and that they be distributed in ways that recognize the greater needs of poor students, students with disabilities, and English language learners. The first two years of *No Child Left Behind* resulted in substantial new investments on the part of the federal government. Those new investments were particularly well-targeted onto city schools and schools in other poor communities, as they should have been.

The increased dollars have fallen off since the initial infusion of resources, while the NCLB performance requirements continue to increase--further feeding a backlash against the bill and undermining the ability of schools to meet the law’s goals. And the additional dollars that schools initially received were often set-aside for mandatory expenditures that have yielded uncertain results.

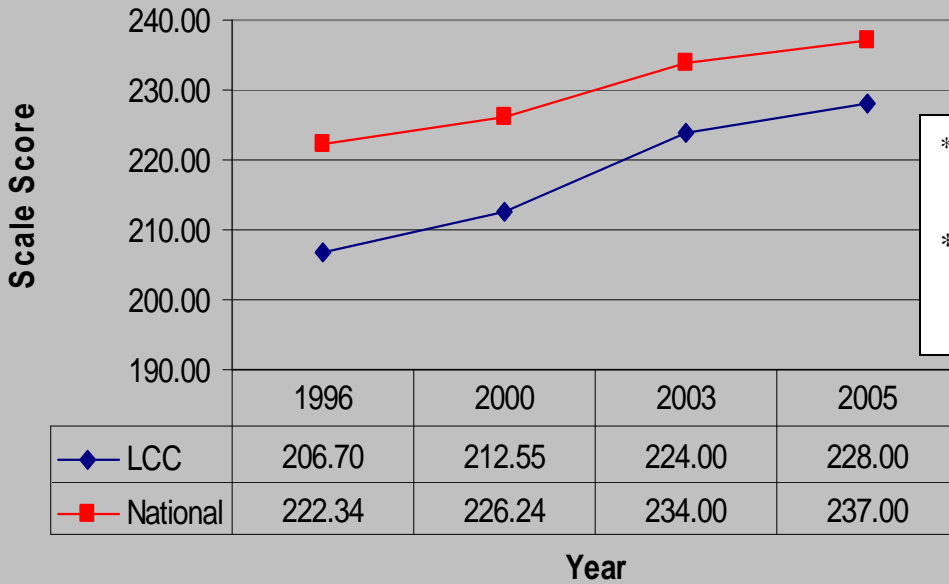
To address these problems, the Council would propose—

- Fully funding No Child Left Behind and its component programs, including Title I, Title II, and Title III.
- Requiring states to analyze funding gaps between their richest and poorest districts and submit plans to the U.S. Department of Education for closing those gaps and providing adequate resources based on student needs.

## Large Central City (LCC) Progress on NAEP

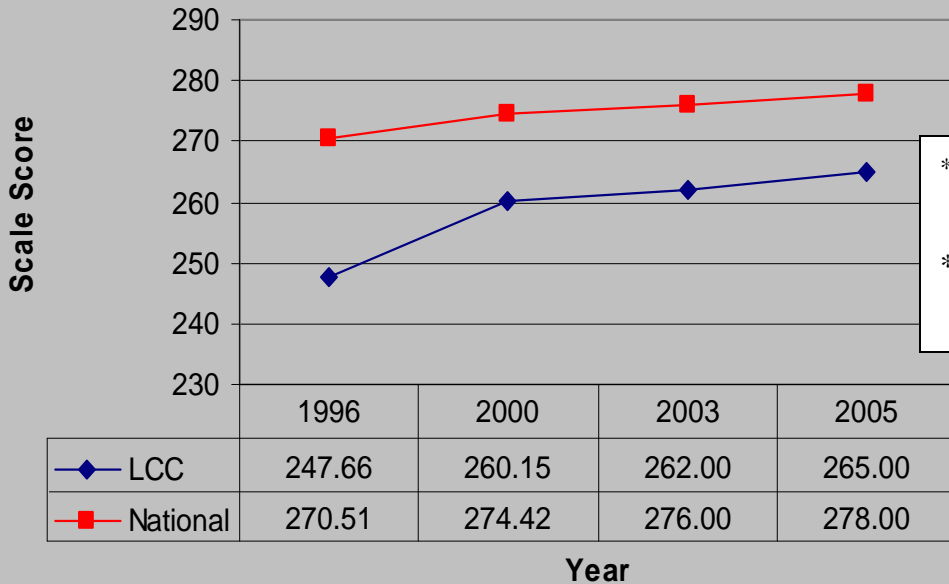


### NAEP 4th Grade Math



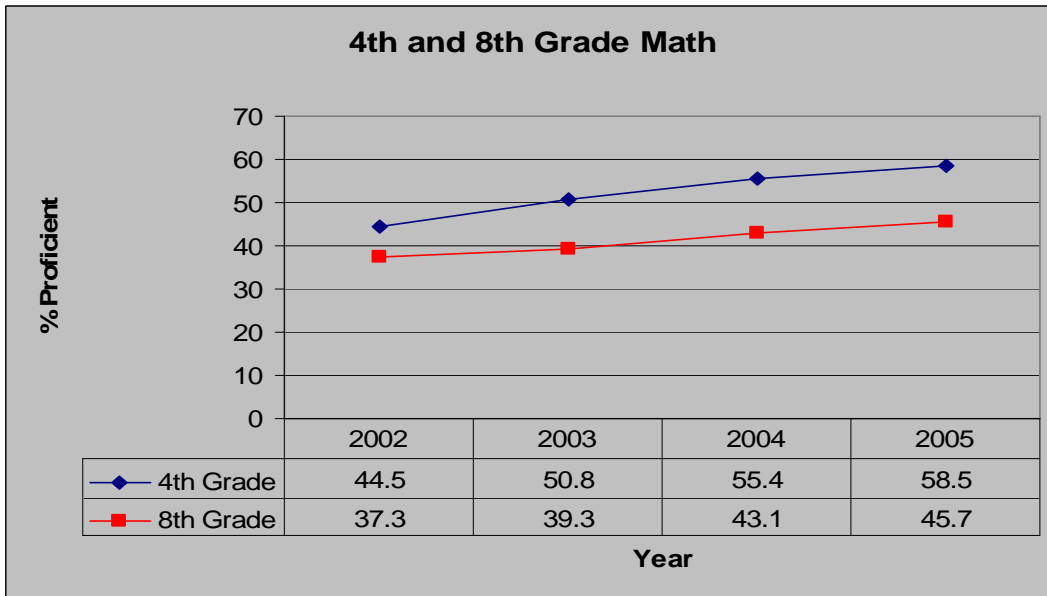
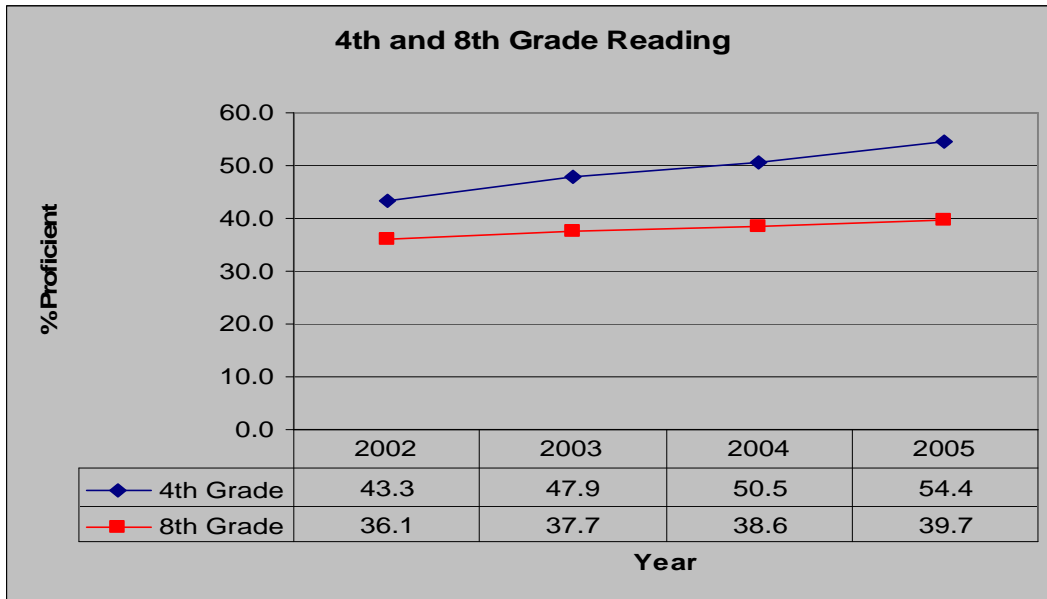
\* LCC scores grew 21.3 points from 1996 to 2005.  
 \* Nation's scores grew 14.7 points from 1996 to 2005.

### NAEP 8th Grade math



\* LCC scores grew 17.3 points from 1996 to 2005.  
 \* Nation's scores grew 7.5 points from 1996 to 2005.

## Great City School Progress on State Tests



### Trends in State vs. NAEP Proficiency Levels in Reading/Language Arts—4<sup>th</sup> Grade<sup>1</sup>

		State Tests					NAEP			
		2002	2003	2005	Δ		2002	2003	2005	Δ
National										
	% Proficient +	--	--	--	--		30	30	30	0
	% Below Basic	--	--	--	--		38	38	38	0
Urban										
	% Proficient +	43.3	47.9	54.4	+11.1		17	20	20	+3*
	% Below Basic						56	53	51	-5*
Atlanta										
	% Proficient +	71	76	83	+12		12	14	17	+5*
	% Below Basic	29	24	17	-12		65	63	59	-6*
Austin										
	% Proficient +	--	75	78	+3		--	--	29	--
	% Below Basic	--	--	--	--		--	--	39	--
Boston										
	% Proficient +	24	27	25	+1		--	16	17	+1
	% Below Basic	26	28	27	+1		--	52	49	-3
Charlotte										
	% Proficient +	74	83	84	+10		--	31	33	+2
	% Below Basic	--	5	4	-1		--	36	35	-1
Chicago <sup>2</sup>										
	% Proficient +	35	36	42	+7		11	14	13	+2
	% Below Basic	17	20	17	0		66	60	60	-6
Cleveland										
	% Proficient +	40	59	59	+19		--	9	9	0
	% Below Basic	27	13	22	-5		--	65	63	-2
D.C. <sup>2</sup>										
	% Proficient +	29	31	39	+10		10	10	11	+1
	% Below Basic	35	33	25	-10		69	69	67	-2
Houston										
	% Proficient +	--	69	70	+1		18	18	21	+3
	% Below Basic	--	--	--	--		52	52	48	-4
LA										
	% Proficient +	24	28	34	+10		11	11	14	+3*
	% Below Basic	38	34	32	-6		67	65	63	-4
New York										
	% Proficient +	47	52	54	+7		19	22	22	+3
	% Below Basic	15	9	9	-6		53	47	43	-10*
San Diego										
	% Proficient +	36	40	51	+15		--	22	22	0
	% Below Basic	28	23	19	-9		--	49	49	0

<sup>1</sup> City scores on state tests cannot be compared with one another.

<sup>2</sup> Third grade rather than fourth grade.

**Trends in State vs. NAEP Proficiency Levels in Math—4<sup>th</sup> Grade<sup>3</sup>**

		State Tests				NAEP			
		2002	2003	2005	Δ	2002	2003	2005	Δ
National									
	% Proficient +	--	--	--	--	--	31	35	+4*
	% Below Basic	--	--	--	--	--	24	21	-3*
Urban									
	% Proficient +		50.8	58.5	+7.7	--	20	24	+4*
	% Below Basic	--	--	--	--	--	37	32	-5*
Atlanta									
	% Proficient +	--	67	70	+3	--	13	17	+4
	% Below Basic	--	32	30	-2	--	50	43	-7*
Austin									
	% Proficient +	--	67	78	+11	--	--	40	--
	% Below Basic	--	--	--	--	--	--	15	--
Boston									
	% Proficient +	--	16	21	+5	--	12	22	+10*
	% Below Basic	--	38	32	-6	--	41	28	-13*
Charlotte									
	% Proficient +	--	95	93	-2	--	41	44	+3
	% Below Basic	--	1	1	0	--	16	14	-2
Chicago									
	% Proficient +	--	49	55	+6	--	10	13	+3
	% Below Basic	--	19	16	-3	--	50	48	-2
Cleveland <sup>4</sup>									
	% Proficient +	--	50	53	+3	--	10	13	+3
	% Below Basic	--	40	37	-3	--	49	40	-9*
D.C.									
	% Proficient +	--	35	41	+6	--	7	10	+3*
	% Below Basic	--	25	20	-5	--	64	55	-9*
Houston									
	% Proficient +	--	63	69	+6	--	18	26	+8*
	% Below Basic	--	--	--	--	--	30	23	-7*
LA									
	% Proficient +	--	40	43	+3	--	13	18	+5*
	% Below Basic	--	34	32	-2	--	48	42	-6*
New York									
	% Proficient +	--	67	78	+11	--	21	26	+5*
	% Below Basic	--	9	5	-4	--	33	27	-6*
San Diego									
	% Proficient +	--	39	52	+13	--	20	29	+9*
	% Below Basic		29	23	-6	--	34	26	-8*

<sup>3</sup> City scores on state tests cannot be compared with one another.

<sup>4</sup> Third grade rather than fourth grade.