

State of Connecticut

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***TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE ASPEN INSTITUTE'S
COMMISSION ON THE NO CHILD LEFT BEHIND ACT
ST. JOSEPH'S COLLEGE, WEST HARTFORD, CONNECTICUT
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I appreciate the opportunity to speak on the important issue of quality education for all children and in particular the implementation of the federal No Child Left Behind Act (NCLB). I commend the Aspen Institute's thoughtful process of collecting information on the impact of NCLB from states across the country.

I completely and unequivocally agree with the goals of NCLB -- hold schools accountable, close achievement gaps, and raise achievement levels for all children. In short, provide every child with fair, equal and significant opportunity to obtain a high-quality education.

While the NCLB goals are laudable, the federal government has failed to implement them properly -- or legally -- disregarding the law's promise to provide sufficient funding. Many federal and state educational mandates are imposed on our local schools. The NCLB is unique in including a clear legal statutory obligation for the federal government to pay for the mandates. NCLB is supposed to be a clear exception to the common practice of unfunded mandates.

The language of NCLB is unequivocal:

(a) GENERAL PROHIBITION. Nothing in this chapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter 20 U.S.C. §7907(a)

Connecticut has sued the federal government because of its failure to comply with the clear directive of the law and provide adequate funding. Connecticut's lawsuit sends a message to the federal government: we will enforce the law to protect our children

Specifically, the lawsuit requests the court to order full federal funding for the costs of the additional testing mandated by the Secretary of Education. Before suing, our Commissioner of Education repeatedly requested flexibility to meet the assessment standards within the level of federal funding that is now provided to the state under NCLB.

As the co-chairs of this commission know from their personal experience, states are the laboratories of democracy, providing opportunities to develop initiatives to address critical social problems in all areas of public policy. Regrettably, the federal government in many areas is turning its back and tuning out state governments, imposing one-size fits all solutions that simply don't work in all communities and preempting state laws and regulations

Connecticut's lawsuit is based on some simple facts: for the 2005-2006 school year, the state will spend \$14.4 million to comply with the NCLB annual testing and technical assistance requirements while the federal government has provided only \$5.8 million.

For the past twenty years, Connecticut administered the Connecticut Mastery Tests in 4th, 6th, and 8th grades. In 10th grade, the state administers the Connecticut Academic Performance

Test (CAPT). Because of the comprehensive nature of these tests, a child's education assessment is very complete and teachers can accurately direct more educational resources in the specific areas where the child's achievements are below statewide standards.

Connecticut has been recognized nationally as a leader for its comprehensive and high-quality assessments. While other states may provide multiple choice questions in all testing, Connecticut requires writing samples and other forms of expression that more clearly assess a child's aptitude.

Now, the federal government is requiring the state to test annually rather than biennially, but refuses to pay for the extra costs of annual testing.

In fact, the federal government's response to Connecticut is that our testing is too comprehensive and too extensive -- in effect, too good. The federal government's solution to its admitted shortfall in funding is to dumb down our testing -- conduct assessments that are less costly and lower quality.

Thus, the federal government's response is to violate the clear directive of the unfunded mandates section of the federal law by refusing adequate funding for assessment requirements under the law and to further violate the spirit and intent of the law by requiring states to provide poorer assessments and simpler testing methods.

I defer to the education experts the question whether annual testing or biennial assessments lead to better education outcomes for children.

Connecticut's lawsuit is about the federal government fulfilling the NCLB's promise: full federal funding to meet the law's requirements.

Thank you.