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I am grateful to the Commission on No Child Left Behind to have this opportunity to submit testimony for your consideration.

The trick for me will be how to be fully responsive while getting to the point clearly and quickly enough that my positions are useful to you.

In that spirit, let me get to the heart of the matter. Accountability works!

As Rick Hanushek and Margaret Raymond show in their study of 2004, "*Does School Accountability Lead to Improved Student Performance?*", the states began through the 1990s to build systems of "consequential accountability," and the states that did so began to have a clear positive impact on student achievement. From 1993 to 1999, according to this study, the number of states that had built and implemented such systems had grown from 3-25. Obviously, since NCLB became law after the study, that number has grown further.

Since we have elaborate NAEP data that extends back before the advent of this era of accountability through 2009, I want to direct the Commission's attention to a comparison of achievement data from the decade just prior to the full flowering of standards-based reform with that of the most recent decade, that is, 1989-1999 to 1999-2009.

Surely, much has happened over this period, and there are many contributing factors to the results. My testimony is based both on the data and the observation and policy experiences of an active participant at the local, state, and federal levels. It is my strong view that, by far, the game changer, policy-wise, the overwhelming policy differential driver, was the introduction of standards-based reform with consequential accountability. The improvement, by no means enough and certainly not yet reflected significantly at the secondary level and beyond, is significant and must be sustained and expanded. Indeed, it is my further testimony that these principles of reforms which have been applied mostly in the elementary grades should now be extended to the secondary level, and, in appropriate ways, to the post-secondary level.

First, let's look at data from the National Assessment of Education Progress 2008 Trends in Academic Progress.

http://nces.ed.gov/nationsreportcard/pubs/main2008/2009479.asp#section1

Scores of Hispanic 9 year olds went up in math from 213 to 234 from 1999 to 2008. This equates to an astonishing improvement of 2 grade levels. It's the largest gain in history. It represents a closing of the white-Hispanic gap at that level from 26 to 16 points. And, while we have much further to go, Hispanic 9 year olds are now performing about as well in math as whites were in the 90s. This is nothing short of a major civil rights achievement.

Black 9 year olds made a gain in math from 1999-2008 that matched their largest gain in history, 13 points. This gain was particularly refreshing because black improvement had stalled entirely in the 90s.

This same turn up in the slope for the most recent decade characterizes math improvement for black and Hispanic 13 year olds.

As impressive as these results are, consider the reading results.

Black 9 year olds went from 186 to 204 from 1999 to 2008. The black-white gap closed from 35 points to 24 points, all while white scores went up. But, best of all, this decade's growth equalled the growth of the 70s, when the fruit of the civil rights era was finally ripening.

The reading scores of black 13 year olds actually went down from 1988 to 1996, from 243 to 234. Yet, from 1999-2008, they've come back from 238 to their highest point ever, 247.

Hispanic 9 year olds were stuck in a range of 183-193 from 1975 to 1999. Their scores are now at all time highs, 207.

We have a lot of work to do in our high schools. But we will have little success with that challenge unless and until we recognize the progress we've made, when it began, and what we started doing differently in the mid-90s that caused the rapid uptick in the last 10 years in performance in elementary and middle schools.

This has been the decade of the flowering of standards based reform and accountability.

Next let's look at the results of a U.S. Department of Education report in 2009 on progress made in narrowing the achievement gap between white and black students. Here is the link to the source in that released report:

http://nces.ed.gov/nationsreportcard/pubs/studies/2009455.asp

4th and 8th grade math scores in 2007 for both black and white students were "higher than in any previous assessment, going back to 1990."

"This was also true" for 4th grade reading scores for both blacks and whites in 2007.

Nationwide gaps were "narrower" in 2007 in 4th and 8th grade math and 4th grade reading "than in previous assessments."

In the long term, math scores for both 9 and 13 year old blacks and whites were "higher in 2004 than in any previous assessment."

For age 9 reading, scores for both black and white students "were higher in 2004 than in any previous assessment, going back to 1980."

We have work to do on 8th grade reading where the numbers have been largely flat over the entire period and are only slightly better now. And we must accelerate all gains. But the gains we have experienced recently are palpable and historic.

Returning to the long term Academic Trends document cited above, I want to point especially to data involving the reading results for 9 year olds. Reading achievement has been relatively flat over the entire period. But it is very important to understand that the achievement

levels of the lowest performing students have actually risen more than those of other students as well as noticeably since 1999. For example, 9 year olds in the bottom 25th percentile grew 13 scale score points in reading from 1999-2008, while the top 25th percentile grew 6 points in the period.

Perhaps of greatest interest may be the progress of English Language Learners ("ELL") and students with disabilities ("SD"). These students received greater focus under No Child Left Behind ("NCLB") than previous accountability regimes both in terms of policies affecting subgroups as well as the resources and requirements in Title III. I submit the strong hypothesis for these reasons that NCLB contributed to the especially strong gains for these students since 2000.

In 4th grade math NAEP, SD grew in scale scores from 2000-2009 from 198 to 221, a remarkable improvement of roughly 2.3 grade levels. Since non-SD grew from 228 to 242 over the same period, the gap between SD and non-SD closed .9 of a grade level (**http://www.nationsreportcard.gov/reading_2009/nat_g4.asp?subtab_id=Tab_6&tab_id=tab1**).

In 8th grade math NAEP, SD grew from 2000-2009 from 230 to 249, an improvement of 1.9 grade levels. This growth narrowed the gap with non-SD by .8 of a grade level (**http://www.nationsreportcard.gov/math_2009/gr8_national.asp?subtab_id=Tab_6&tab_id=tab1#chart**).

In 4th grade reading NAEP, SD grew from 2000-2009 from 167 to 190, a remarkable improvement of 2.3 grade levels. This growth narrowed the gap with non-SD by a substantial 1.6 grade levels (**http://www.nationsreportcard.gov/reading_2009/nat_g4.asp?subtab_id=Tab_6&tab_id=tab1**).

In 4th grade math NAEP, ELL grew from 2000-2009 from 199-218, a remarkable improvement of roughly 2 grade levels. This growth narrowed the gap with non-ELL by .4 of a grade level (**http://www.nationsreportcard.gov/math_2009/gr4_national.asp?subtab_id=Tab_6&tab_id=tab1#chart**).

In 8th grade math NAEP, ELL grew from 2000-2009 from 234 to 243, roughly 1 grade level. The non-ELL gain was comparable (**http://www.nationsreportcard.gov/math_2009/gr8_national.asp?subtab_id=Tab_7&tab_id=tab1#chart**).

In 4th grade reading NAEP, ELL grew from 2000-2009 from 167 to 188, an improvement of a remarkable 2.1 grade levels. This improvement caused a narrowing of the gap with non-ELL by a substantial 1.3 grade levels (**http://www.nationsreportcard.gov/reading_2009/nat_g4.asp?subtab_id=Tab_7&tab_id=tab1**).

(Because 8th grade reading is flat for all subgroups over the period, sadly, I am not reporting for that subject and grade.)

To be precise, I believe that data-driven, standards-based accountability has worked increasingly well over the past decade or more to identify school's strengths and weaknesses and drive action to close the achievement gap. That is, in my view, what the data I have presented proves.

As we go forward, the better the data become and the more research-based and effective the responses become, particularly at the secondary level, the greater will be the gains that we can achieve. Also, the more learning is tied to higher, clearer standards that lead to college/career readiness, the greater will be the gains that we can achieve.

Yet, more important than all that, in my view, is the absolute imperative that we not give up the one tool that has caused much of the progress we have made. Under NCLB, each and every school in a district that receives Title I funding and that fails to make progress for EACH and EVERY subgroup is identified as in need of improvement. The states and districts have substantial flexibility, and in some ways perhaps could have more, as to the consequences required of such schools. But taking the spotlight off any of these schools and failing to require consequences for all of them would be a horrible mistake.

I have been generally supportive of the Obama education agenda. But, in my view, one set of decisions in the Blueprint threatens to blot out all the good that may come from the many other worthy initiatives. Further, I fear these decisions could stall or stop altogether the progress we've made in narrowing the achievement gap since the late 90s.

Before I define and defend my position, I want to make a few brief observations.

First, I believe that NCLB requires some fixes and enhancements. In 2001, when 80% of the Democrats and 80% of the Republicans in both Houses voted for the law, we did the best we could at the time. We've learned a lot in the last decade about such things as measuring student growth, the assessment challenges for SD and ELL, and the nuances of measuring teacher and school effectiveness. We've also set our sights on higher goals, including our new aspiration that students graduate high school ready for college or career.

So, I am one who favors refinements and enhancements in the law.

But I also believe that standards based reforms have worked to improve student achievement. I don't claim the gains are due just or principally to NCLB. But I do believe the changes in state policy beginning in 1993-1994, extending through the IASA and NCLB, caused the dramatic spurt in most NAEP scores, beginning in the late 90s. And I further believe that the fundamental principle of these reforms — a sense of accountability, always subject to improvements in fairness and effectiveness — is the driving force behind the gains we've made and must continue to make.

NCLB requires that each and every school in all Title I districts across America be measured and face consequences based on whether disadvantaged students are making progress to standard.

Yes, the states set the standards and make the tests and determine proficiency. And, yes, the districts get to determine from a broad list what the consequences are. Perhaps the details on these matters could be better specified. It was the best balance in a federalist system that our poor, but bipartisan minds could fashion back then.

But what we did, and what should never be changed, was to insist that all schools that receive federal money should be held accountable for educating low income children and children of color.

Not 5% of such schools. Not 10% of such schools. Not some undefined small additional number of such schools that might have a gap. But rather ALL schools. That's what we all meant by No Child Left Behind.

Again that law is not perfect and should be made better. But the Administration is making a terrible mistake in saying that there will be no further federal interest in accountability for the achievement of disadvantaged students in as many as 90% of the schools.

Now, if the advocates of "local control" want to argue there ought to be greater flexibility in consequences in the schools in the middle, they may have a point. But to toss out the pressure that something must be done to improve schools where disadvantaged students are doing poorly — that sets federal policy back not only to pre-NCLB days, but also to pre-IASA.

The Administration's tossing the requirement for public school choice and supplemental services is also a terrible decision. This requirement was part of a delicate deal between Democrats and Republicans in order to find a balance on the issue of parental choice. These choices have not been as available as they should have been for reasons I won't discuss here. But, while we hope the Administration will be more successful in fixing broken schools than we all have been in the past, removing, rather than fixing, the requirement of choice options further erodes accountability in the law.

I would finally urge the Secretary to re-think his tight/loose notions. Let's assume all the states set the best content standards in the world. Without high performance standards on quality assessments, tough accountability, and indeed strong, aligned curricula taught by strong teachers, there's NOTHING "tight." It's all "loose."

You see — it's not the content standards that were "dummied down" after NCLB. That's a fiction. As the Secretary certainly knows from his experience in Illinois, it was, at least in certain states, the performance standards that were "dummied down." There is nothing in the Blueprint on performance standards. And there is a serious weakening of accountability.

I worry indeed that those who have called assurances from the past a "fraud" may be stepping into deeper trouble themselves going forward. Nothing on performance standards. Weaker accountability. No 2014 for grade level proficiency. Yet, all students college/career ready by 2020? This doesn't work.

There will be at least as much federal control, if not more, under Blueprint policies, but there will no longer be any pressure in most federally funded schools to raise the achievement of disadvantaged students. So, with all the money and all the programs, however promising they may be, but without the lever of real accountability, I fear that measures such as NAEP will in 2019 look more like they did in 1999 than they did in 2009.

That would be a terrible shame.