

The Association for Supervision and Curriculum Development (ASCD), representing 178,000 educators, extends its appreciation to the House Education and Labor Committee for the opportunity to comment on the discussion draft of Title I of the Reauthorization of No Child Left Behind. We commend both the legislators and professional staff for their efforts. We understand this is a discussion draft and you have requested input. As part of our process to ensure our comments reflect our membership input we have circulated the draft to our members around the country and continue to receive their comments. We are happy to provide the comments on this draft and as the process continues we will provide additional input at the appropriate time. The initial ASCD recommendations are included in bold followed by our comments and, where relevant, proposed changes.

Generally speaking, we believe the draft makes several positive changes to the existing law. The draft contains substantially more flexibility and opportunities for schools to improve, and for states to assist schools in this endeavor. We are particularly pleased the draft provides a variety of approaches to address challenges, measure achievement and develop assessment systems more broadly than the current law. The recognition of the unique nature of schools and their needs is far better than the existing law that treats all schools the same regardless of their size, location and specific needs.

We are concerned by what appears to be a significant increase in record keeping, reporting and data collection. We are not opposed to illustrating success and shortcomings for all facets of education and for a wide variety of students, but many of the sections require additional reporting, data collection and planning of limited value. Currently, extensive reporting and record keeping under NCLB require many school districts to use precious resources (both financial and human) to demonstrate compliance. This discussion draft appears to continue this trend. Educating children would be a better utilization of these resources.

While it is necessary for school districts to engage in some of the record keeping, especially in view of the extensive new flexibility around multiple measures of assessment, use of growth models, indicators of achievement and more, the new requirements in this draft appear onerous. Each of the prospective changes in the draft includes more reporting requirements. These new requirements run the risk of making this new proposed Title I almost unworkable at the local level. What is certain is that more resources will be required to comply with requirements outside the classroom. We urge you to keep this in mind as alterations are made. The overwhelming goal of this proposal is to improve education, not to place undue stress and burdensome record keeping on schools in order to meet numerous state and federal requirements affiliated with this proposal.

One final general comment focuses on the need for resources. Many school districts have struggled to meet the requirements of No Child Left Behind. Many of the promised resources have never materialized, leading to difficult decisions and significant funding cuts at the local level. One suggestion at the outset is to include a measure providing commensurate reduction in the requirements of this legislation if authorization levels are not met. Including such a provision would be good policy and demonstrate to educators that the Congress is ready to be an active partner in education and making this legislation work.

**ASCD called for a dedicated fund to support and encourage innovative measures for redesigning high schools.**

Section 1006 (Graduation Promise Fund, Page 8, Line 15)

The discussion draft includes a dedicated fund which would provide resources for high schools with the lowest graduation rates to develop and support schoolwide programs. The Graduation Promise Fund reflects the Graduation Promise Act, a good bill that is very focused. We encourage the Committee to expand beyond just those high schools with an average graduation rate below 60%. We recommend the Committee either replace this section with language assisting all high schools in redesign, or alter the proposal to include S.1920 the GRADUATES Act, a copy of which is attached.

While those high schools with graduation rates below 60% should have priority, this should not preclude other high schools from improving through innovative redesign. It should be noted that in the school improvement category (page 197) many of the elements of the GRADUATES Act are among the interventions for priority and high priority school districts. We would argue for an expansion of those approaches for all high schools. Therefore, we ask the Committee to include the GRADUATES Act as part of this proposal.

**ASCD is seeking an adjustment of the Adequate Yearly Progress (AYP) model to incorporate multiple measures of assessment, including growth models, formative assessments, grade point averages, student exhibitions, AP and IB courses and portfolio assessments.**

Section 1111 (State Plans, Page 21) and Section 1112 (Local Education Agency Plans, Page 118)

The discussion draft allows the use of multiple measures of assessments more inclusive than the existing law. We believe that accountability is strengthened through this approach. The utilization of multiple measures of assessment leads to greater accountability through more reliable data. Further, we would recommend the credit received for additional indicators be increased for both elementary schools and secondary schools. We would like to see an increase to 25% for elementary schools and 35% for secondary schools.

We also urge the Committee to review all of the reporting requirements and, where possible, to eliminate some of the requirements. For example, schools that do not make AYP for one year must develop a 3-year comprehensive school improvement and assistance plan that identifies, analyzes, and addresses systemic causes for the school not making AYP. This must occur no later than 60 calendar days before the end of the school year immediately following the first year in which AYP is not met. The improvement plan must be submitted to the LEA. We agree that past actions are an influential determinant of future steps. However, we believe that this time would be better spent forward thinking in order to determine what changes and innovations can be utilized in order to affect the overall performance of the school, its students, and its staff.

We commend the Committee for the inclusion of growth models to accurately measure student progress. We believe this will assist schools in reaching AYP; but more importantly, to

effectively measure and assess the development of students. The draft proposes utilizing the principles for growth models, rather than a prescriptive approach. The use of longitudinal data systems and the appropriate 4-year window is also a favorable approach. However, the enrollment, attendance, demographic and program participation information including the individual student membership in subgroups at the school, grade and classroom level is already required in other areas and we feel this is duplicative. This concern is consistent with our earlier caution about reporting requirements.

**ASCD requested the reauthorization enable English language learners the flexibility to demonstrate progress over the course of three years, rather than the current one year construct. We also requested that schools be allowed to demonstrate growth and progress over a three year period before sanctions.**

Section 1111 (State Plans, Pages 70-71)

We are pleased with the proposal included in the discussion draft as it exceeds the ASCD recommendation. We believe the use of a variety of assessments and broader time frame would ensure a more accurate measurement and realistic performance of children for whom English is not their primary language.

The requirement that states identify accommodations used in assessing ELL students and how the state will prepare those students for the future as part of the state plan is another requirement that, while required of the state, will involve local reporting and information. We believe this is unnecessary reporting as there are already numerous ways to report on the performance of all children including those for whom English is not their native language.

**ASCD has called for the measurement of children with disabilities to be determined by the Individualized Education Plan rather than the state assessments.**

Section 1111 (State Plans, Pages 74-78)

The discussion draft, while making changes, does not adequately address this issue. Instead it provides some flexibility in the use of assessments while still requiring assessments beyond the Individualized Education Plan. There are opportunities for children to not be assessed at the same level or with the same assessments as their colleagues at grade level. However, we believe the IEP is more thorough and reflective of an individual child's capacity and capabilities. The IEP is the legally binding plan for a child's education. It is designed in consultation with the appropriate professionals and parents and should be the sole plan for a child's success. The IEP includes regular goals and performance benchmarks to ensure that children continue to progress to the best of their abilities. However, under the proposal included, the assessments may be contrary to the IEP. While alternative assessments are helpful, it is still not the best approach, and we would ask the Committee to make the requisite change that establishes the goals and benchmarks of the IEP as the indicator for adequate yearly progress for those students who have IEPs that do not include participation in annual assessments.

**ASCD requested the full complement of sanctions and intervention strategies be available immediately for any school not making adequate yearly progress. The intervention options should be uniformly offered and should enable a state or school to choose between the supplemental service options and public school choice.**

Section 116 (School and Local Education Agency Improvement and Assistance, Pages 197-204)

Schools in need of improvement, based on their federal classification (priority, high priority, etc.) are given several required steps and several additional choices. This approach, while better than the current law, does not provide optimal flexibility.

ASCD recommends that all school improvement options be available for all schools needing improvement, priority or high priority. We recommend that school districts not making AYP, priority school districts, and high priority school districts should have the flexibility and the freedom to choose what intervention or improvement model will make the most significant difference in the overall improvement of the students.

For some school districts that could mean more professional development. However, for other school districts that may mean personalized learning structures rather than professional development. We urge the Committee to recognize that everyone is invested in making children successful and those at the local level are best able to determine that approach. Therefore, we recommend you eliminate the prescriptive requirements that dictate a specific order of approaches in favor of enabling schools to choose their options and hold them accountable for their choices.

We remain concerned by the planning, reporting, and record keeping required by this section. Specifically, there are roughly ten pages of requirements, analysis and specific contingency planning, and notification that must accompany any plan for school improvement. Another concern related to school improvement is the requirement and reporting that no child be taught for two consecutive years by a teacher who is new or teaching “out-of-field.” While ASCD recognizes the importance of providing high quality teachers, the assignment and placement of teachers is often times a local issue and as such needs to be determined locally. Further, the potential for record keeping and notification presents yet another administrative burden for schools.

**ASCD requested that supplemental service providers use only instructors who meet the same criteria in the definition of highly-qualified required of public school educators.**

The bill requires that parents be given a brief description of the services offered by the SES provider as well as the provider’s minimum qualifications for instructors and its demonstrated effectiveness. We are concerned that under this provision a school would be required to report to parents the effectiveness of these SES providers. There could be extensive record keeping or additional information that an LEA is required to maintain for this information. Further, if SEAs are responsible for approving the SES providers, how would a local school district determine or assess the “effectiveness” of these providers?

Nothing is specifically stated that would require providers to employ instructors that meet the same highly-qualified requirements for their instructors as are required of schools. School districts are being asked to take on the unfair burden of providing technical assistance to SES providers to deal with the students who have some of the most complicated needs. These students deserve to be taught by experts trained in these crucial areas who are most familiar with the specific learning needs of these particular student populations. LEAs should not be made to provide assistance on one hand and then be told that they are not qualified to provide those same services despite their HQT qualifications.

**ASCD requested that the ability to determine which teachers are “highly qualified” be returned to the states.**

Section 1119 (Qualifications for Teachers and Paraprofessionals, Page 282)

The discussion draft requires the local education agency ensure that all teachers hired and teaching in a program supported with Title I funds be highly qualified. Title IX of NCLBA contains the law’s definition of what “highly qualified” means. This particular title was not included in the current discussion draft. Therefore, there is no way to determine with any certainty if the reauthorized bill will continue to refer to the federal definition of HQT or give deference to definitions determined by the individual states. Preliminary indications are that the use of HQT in the current draft language is predicated on the definition found in the current law.

Several additional sections included in the discussion draft warrant comments.

### **Pilot Program to Include Locally Developed Measures**

Section 1125 (Pages 333-337)

The pilot program to include locally developed measures is an approach that could have extensive promise. Many of our comments and recommendations have focused on the need for more local control, decision-making, and approaches that are what is “best for the child.” This may be an effective approach but, like many of the other suggestions, ASCD remains concerned about extensive administrative “outside-the-classroom” requirements. Preliminary readings indicate this may not be utilized given the extensive administrative paperwork.

### **Core Curriculum Development**

Section 1851 (Pages 395-399)

ASCD is very supportive of the Core Curriculum Development. One of the unintended consequences of the current law is the narrowing of the curriculum. This new program providing more resources to expand instructional time is a substantial step to ensure that schools are able to educate the whole child. We are pleased to see this inclusion and remain optimistic that funding will accompany this section.

## **Expanded Learning Time Demonstrations**

Section 1871 (Pages 399-435)

We are also enthusiastic about the inclusion of the expanded learning time programs. As educators we are aware of the tremendous potential for education - both during the traditional school hours, as well as those hours before and after school. There are many societal benefits to effective after-school programs. This program, like our suggestion for high school redesign, involves the same proven effective strategies that provide additional learning options in different learning environments.

Once again, we commend the Committee and the professional staff for the development of this discussion draft. We are generally pleased with the direction and the responsiveness to many of the issues we have raised. We view this discussion draft as a positive start to this process and look forward to working together. Should you have any specific questions, please contact Dan Fuller, ASCD public policy director at 703-575-5621.