

When Congress last amended the Elementary and Secondary Education Act (ESEA), through passage of the No Child Left Behind Act (NCLB), state movement toward standards-based reform was uneven. NCLB mandated, as a requirement of receipt of federal funds, nationwide state action on several foundations of standards-based reform, based on specific minimum requirements. Today, based in part on NCLB, those foundations are widely in place, including state standards, state assessments, state data systems, state accountability systems, state teacher quality requirements, and more. State education agencies (SEAs) are focused on school and district performance and ensuring that all students (and all subgroups of students) achieve high standards. Now, the question

is how do we build on and invest in these systems to promote innovation and advancement in a manner that can best improve student achievement and close achievement gaps.

State education agencies (SEAs) are focused on school and district performance and ensuring that all students (and all subgroups of students) achieve high standards.

To that end, CCSSO launched an ESEA Task Force in January 2006 to help states identify and achieve consensus around the key principles that must be addressed when Congress reauthorizes ESEA. As a result of the Task Force's work, CCSSO recently published a comprehensive Policy Statement regarding ESEA reauthorization and the type of state-federal education partnership that our nation needs to maintain its leadership – moral, democratic, and economic – in the 21st century. CCSSO's Reauthorization Policy Statement urges Congress and the U.S. Department of Education (ED) to pursue a new partnership model based on three core themes: (1) innovation, including continued support and increased autonomy for states to build on the foundations of standards-based reform, (2) capacity, including greater focus on building the ability of state and local education agencies to improve learning opportunities for all students and to intervene in consistently low-performing districts and schools, and (3) research and development, including increased investment in research, evaluation, technical assistance, and collaboration to

help inform state and local efforts to improve student achievement and close achievement gaps.

The purpose of this document is to build upon CCSSO's ESEA Reauthorization Policy Statement to provide more specific recommendations to Congress about how to update and improve upon ESEA to help ensure that all students are prepared for postsecondary education, work, and citizenship in the 21st century. The following specific recommendations regarding the current No Child Left Behind Act have been endorsed by chiefs as states' top consensus priorities for ESEA reauthorization.



PROMOTE INNOVATIVE MODELS AND REINVENT PEER REVIEW. The reauthorized ESEA should encourage, not stifle, innovation, and it should improve the peer review process to make it a true state-federal partnership in that regard – with a focus on knowledge enhancement and promotion of educationally sound models rather than monitoring for narrow compliance. The innovation that we need in education cannot be achieved by a federal law that only acknowledges one system for another five-plus years without room for continuous improvement. CCSSO urges Congress to amend NCLB Section 9401 to remove and recast NCLB’s current “waiver” authority to

indicate that the Secretary “shall” approve innovative models where states can demonstrate, through a revised peer review process, good faith, educationally sound strategies to raise the bar for standards-based reform in each state’s context, along with accountability for raising student achievement and closing achievement

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gaps. CCSSO further urges Congress to amend NCLB Section 1111 to ensure a strong state role in the selection of qualified peers (including peers from the states) and to require a range of improvements in the peer review process to ensure a focus on technical assistance, full transparency, real communication and dialogue with states, consistency in peer review standards and outcomes across states, timeliness of feedback and results, dissemination of promising practices, and more.

Rationale: Under current NCLB authority, the Secretary *may* grant flexibility beyond NCLB language where states propose models that are educationally sound. Despite the Secretary’s “new equation” for NCLB implementation, this flexibility has been very limited. Current law contributes to this problem by incorrectly characterizing the Secretary’s acknowledgement of alternative models as “waivers” as opposed to innovative pathways to improving student achievement. Now that the foundations of standards-based reform are in place, we need to move from debates over “flexibility” and “waivers” to encourage innovative models approved through a revised and enhanced peer review process. Peer review has become an important mechanism by which the federal government enforces specific program requirements, while trying to avoid issues of federalism. The process has great potential, but has been replete with problems in implementation including under-qualified peers, lack of transparency, lack of timeliness, unevenness across states, etc. Peer review needs to be truly *peer* and *review*, including a focus on knowledge development and technical assistance, and continuous interaction among peer reviewers, ED, and the states regarding what is most educationally sound.

IMPROVE ACCOUNTABILITY DETERMINATIONS. The reauthorized ESEA should encourage use of a variety of accountability models focused on individual student achievement that build on adequate yearly progress (AYP) to promote more valid, reliable, educationally meaningful accountability determinations. CCSSO urges Congress to amend NCLB Section 1111 to ensure states’ right to use true growth models to complement status measures (to follow the progress of the same students over time at all performance levels). The reauthorized ESEA should also ensure states’ right to use relevant confirmatory/compensatory data regarding school performance as part of a process for accountability determinations based on multiple measures and sound judgment (to differentiate accountability determinations and consequences [see the next Recommendation]).

Rationale: Under NCLB, states are required to make AYP determinations for all public schools and districts, and to base AYP on 95% participation, percent proficient, and one additional indicator. States must generally base accountability determinations on the performance of different cohorts of students from year to year. ED has allowed the use of index systems and announced a growth models pilot project, but only five



states have been even provisionally approved to use (often narrowed-down) growth models as part of AYP. Further, some states have devised systems that examine AYP data plus additional confirmatory data for AYP, but they generally may not consider those data in accountability determinations or to differentiate consequences. Federal law should encourage states to continuously improve their accountability models and to make the most valid, reliable accountability determinations, basing AYP and consequences on the most valid, reliable evidence and judgment.

DIFFERENTIATE CONSEQUENCES. The reauthorized ESEA should encourage a full range of rewards and consequences for districts and schools that differ appropriately in nature and

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degree, based, for example, on whether schools miss AYP by a little versus a lot. CCSSO urges Congress to amend NCLB Section 1116 to permit states to exercise appropriate judgment and differentiate both accountability determinations and consequences based on sound evidence. This includes targeting interventions to the lowest

performing students/subgroups that do not meet AYP and maintaining consequences (without escalation) where schools are demonstrating significant plans and progress in addressing identified underperformance. The law should also be amended to focus more on supports for schools and students, to increase parental choice regarding the kinds of supplemental educational services provided, to permit states and districts to change the order of required consequences (particularly choice versus supplemental educational services), and to target supplemental educational services based on academic need, and to increase opportunities for the provision of supplemental educational services at the district level.

Rationale: Under NCLB, states are required to implement a system of rewards and consequences for all public schools and districts, including a series of required, escalating sanctions for Title I schools and districts. Without amendment, NCLB requires the same classifications and interventions for Title I schools and districts regardless of whether they missed performance goals by a little or a lot, regardless of the plans and capacities in place, and regardless of the interim progress being made. This is neither efficient nor effective. Federal law should encourage states to promote the most educationally sound actions and timelines to help ensure that schools and students meet performance expectations. Federal law should promote an array of supports, including encouraging districts to offer parents a menu of choices for supplemental educational services, such as after-school programs, private tutoring, summer school, etc.

IMPROVE ASSESSMENT SYSTEMS. The reauthorized ESEA should encourage, though not require, use of a variety of state and local assessment models that can improve teaching and

learning and promote more valid, reliable accountability determinations. CCSSO urges Congress to amend NCLB Section 1111 to permit states to promote the use of multiple state and local assessments (including assessments that can show growth at all levels) and ensure states' right to vary the frequency and grade spans of assessments. CCSSO further urges Congress to provide continued support for states to strengthen assessment systems.

Rationale: Under current NCLB implementation, states are generally required to have summative assessments in reading and math in grades 3-8 and once in 10-12. States are now working to improve upon those systems by building more educationally sound models in each state's unique context, including the development of formative, embedded, web-based state and local assessment systems. This movement should be encouraged within federal law to better link assessment for accountability with meaningful improvements in teaching and learning (without micromanaging deeper state assessment systems).



PROPERLY INCLUDE STUDENTS WITH DISABILITIES. The reauthorized ESEA should encourage inclusion of students with disabilities in state assessment and accountability systems in a manner that is most meaningful for the full range of students with disabilities, based on

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ambitious but educationally sound performance goals and measures. CCSSO urges Congress to amend NCLB Section 1111 to permit use of alternate assessments measured against alternate/modified achievement standards based on individualized growth expectations across grade levels as needed for some students. The

law should also be amended to count the performance of students with disabilities who recently transitioned out of that subgroup in subgroup accountability determinations for an appropriate period.

Rationale: Under NCLB, states are required to include students with disabilities in state assessment and accountability systems. ED has permitted states, by regulation and interim flexibility, to use alternate assessments aligned with alternate/modified achievement standards for a small number of students with significant disabilities (so-called 1% and 2% students), but these have been established as rigid caps. States have been prohibited from basing AYP on student growth consistent with Individualized Education Program (IEP) team goals or growth across grade levels, and states have been prohibited from including alternative diplomas in graduation rates where consistent with IEP team goals even for the most significantly disabled students. For inclusion in assessment and accountability to be valid, it must be educationally meaningful for each student, and federal law (both ESEA and the Individuals with Disabilities Education Act [IDEA] working together) should reflect that.

PROPERLY INCLUDE ENGLISH LANGUAGE LEARNERS. The reauthorized ESEA should encourage inclusion of English language learner (ELL) students in state assessment and accountability systems in a manner that is most meaningful for the full range of ELL students, based on ambitious but educationally sound performance measures and goals. CCSSO urges Congress to amend NCLB Section 1111 to permit states to properly include new immigrant ELL students in school accountability based on multiple measures for several years (no fewer than 3 years) where educationally appropriate. The law should also be amended to allow the use of a full range of alternate assessments and to value individualized growth. In addition, federal law should count the performance of students who recently transitioned out of the ELL student subgroup in subgroup accountability determinations for an appropriate period.

Rationale: Under NCLB, states are required to include ELL students in state assessment and accountability systems. ED has permitted by regulation states to count only participation for new immigrant ELL students for one year in making AYP determinations. After that, states must include ELL students based on standard or alternate content knowledge assessments aligned with grade-level performance standards. For inclusion in assessment and accountability to be valid, it must be educationally meaningful for each student, and federal law (both Title I and Title III of ESEA, working together) should reflect that. This requires greater flexibility regarding the method of inclusion in accountability, particularly for new immigrant ELL students who in many cases have previously had no English instruction and no formal schooling.



ENHANCE TEACHER QUALITY. The reauthorized ESEA should provide incentives for states to create the best teaching force in the world, by continuously improving teacher quality, by supporting best-in-class professional development, and by encouraging use of multiple individual pathways to pedagogical and subject matter expertise. CCSSO urges Congress to amend Section 1119 to incentivize continued improvement in teacher quality in a

meaningful manner. Recommended changes include counting newly hired teachers (particularly rural, special education, and ELL teachers) as “highly qualified” when they meet standards in their primary subject areas and are on a pathway (of no more than three years) with regard to additional

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subjects based on a high, objective, uniform state standard of evaluation (HOUSSE). The law should count teachers of students with disabilities and ELL students as “highly qualified” where they work in close consultation with another teacher who is highly qualified and offer alternative pathways and multiple measures of subject

matter expertise (including HOUSSE). The new law should also provide incentives for (but not require) performance systems based on growth in student achievement as *one of multiple measures* (such as continued support for the Teacher Incentive Fund), and should provide incentives to help ensure that experienced, successful teachers serve in the most challenging schools.

Rationale: Under NCLB, states are required to take action to ensure that all teachers of core academic subjects are “highly qualified,” which is defined to include having a bachelor’s degree, being fully certified, and demonstrating subject matter expertise. States are permitted to adopt pathways to certification for up to three years, but not (expressly) for subject matter expertise (except for a limited number of small/rural and special education teachers teaching multiple subjects). And subject matter expertise has been rigidly defined in some cases as requiring a subject-matter test, with ED threatening to “phase out” the HOUSSE standard. Federal law should encourage states to establish multiple measures for teacher quality, set ambitious but meaningful bars, and leverage those bars to improve teacher preparation and performance over time.

STRENGTHEN RESOURCES. The reauthorized ESEA should retain and provide additional funds at the state level that appropriately reflect the increased roles and responsibilities placed on states under ESEA for systemic actions to help improve student achievement and close achievement gaps. CCSSO urges Congress to amend NCLB to provide additional, long-term, consistent funding for SEA action and intervention in underperforming districts and schools (such as through full and increased funding for School Improvement Grants); for key areas such as state assessments (particularly including alternate assessments and English proficiency assessments), state data systems, and technology; and for research and development to inform state and district efforts.

Rationale: Under NCLB (and as a matter of broader standards-based reforms), states have assumed significant new responsibilities and are required to take core actions to implement federal law and promote student achievement, including development of state standards, state assessments, state accountability systems, state data and reporting, state teacher quality requirements, and more. This particularly includes providing technical assistance and interventions to support and turnaround underperforming districts, schools, and students. For this system to succeed, federal law must recognize a shared state-federal responsibility for improving student achievement and closing achievement gaps, and must provide greater investments for SEAs as core partners and levers of leadership and change in standards-based education reform.



NCLB Reauthorization

~ Guiding Principles ~

This past year, NASBE's Governmental Affairs Committee (GAC) undertook a year-long review of the No Child Left Behind Act in preparation for the reauthorization of the federal education reform law scheduled for 2007.

The result of this work is a set of guiding principles that the organization will use as the foundation of its work during the NCLB reauthorization process. The document reflects the consensus of the GAC after a year of presentations and discussion with congressional leaders, education policy experts, and, most importantly, with state board members themselves about their perspective and experience in implementing No Child Left Behind.

Given the national importance of NCLB reauthorization and the centrality of issues related to standards, assessments, accountability, and teacher quality, the NASBE Board of Directors and the organization's voting delegates unanimously adopted these principles at the 2006 Annual Conference.

These principles will be the starting point for NASBE as NCLB reauthorization gets underway this year. They will serve as the organization's opening position statement and as an initial screen to evaluate the multitude of reauthorization proposals that may be introduced. This will allow the GAC to concentrate on specific legislation and specific provisions within proposed legislation to determine if federal policies are consistent with state board of education priorities, aligned with state education reform efforts, likely to achieve their desired goals, and, of course, are in the best interest of students.



Obviously, these principles do not specifically address all the issues involved in the No Child Left Behind Act, nor are they meant to. Rather, they represent the fundamental priorities identified by state board of education members for any federal education reforms. At their core, NASBE's guiding principles are about shifting from a law of absolutes to one that recognizes that a one-size-fits-all approach is difficult, if not impossible, to implement with fifty states operating fifty different education systems. Thus, the principles recommend:

- Flexibility in state assessment requirements (particularly for testing of special needs students such as students with disabilities and LEP students).
- Better alignment of state and federal accountability systems, and allowing the use of growth model measures in all states.
- Accommodations in teacher qualifications and deference to state licensure procedures to take into account the challenges of staffing rural areas and high-need subjects.
- Increasing the federal investment in state capacity, which would solidify the state-federal partnership in improving low-performing schools.
- Transparency in all dealings, negotiations, and approvals between state and federal officials.

Finally, NASBE emphatically recommends that Congress strictly adheres to its own timetable for completing NCLB reauthorization in 2007.

NASBE Guiding Principles for the Reauthorization of the Elementary and Secondary Education Act

The National Association of State Boards of Education (NASBE) believes people are our nation's most valuable resource, and that free, high-quality public education is of paramount importance to the strength of this country, the preservation of society, and the well being of its citizens. Public education remains a foundation of democratic values, of civic participation in the community, and of the nation's promise of equal opportunity for all. In an age of increasing diversity and stratification, America's public schools remain one of the last remaining institutions through which all Americans enjoy a shared experience.

Toward that end, we, the members of NASBE, believe that all children can achieve high standards of learning and are committed to making decisions that put the needs of young people ahead of all other considerations. Every individual child must be given the support to develop to his or her full potential. We reaffirm our pledge to continue leadership efforts to improve public schools by promoting quality education, equal opportunity, and adequate and equitable resources for each and every student.

Given the importance of public education as a foundation of national security, a vibrant economy, and a democratic society, NASBE believes the federal government has a primary responsibility to identify the national interests and goals in education and provide leadership to ensure that those goals are being met.

The current iteration of the federal Elementary and Secondary Education Act (ESEA), called the No Child Left Behind Act (NCLB), has had a profound impact in elevating federal oversight above traditional state authority. From specifying the exact mathematical calculations that must be made in determining a school's performance to defining what is a "highly qualified teacher," NCLB has established an unprecedented level of federal involvement in state education decision-making.

State boards of education agree with NCLB's emphasis on the importance of educating all children and applaud its success in calling national attention to the unacceptable persistence of achievement gaps among racial, ethnic, and socio-economic subgroups of students. But we do not agree with the one-size-fits-all micromanagement of the nation's 95,000 public schools and the enormous and unproductive bureaucratic burdens that micromanagement has placed on states, school districts, schools, administrators, and teachers. The next reauthorization of ESEA must take into account existing state education reforms and incorporate flexibility into the statute that will allow nationwide implementation to be tailored to the unique circumstances of individual states.

The federal government should provide vision in the development of a national policy on children, youth, and families that will afford every child the opportunity to become a healthy, literate, responsible, economically self-sufficient, and productive adult. This federal leadership should provide the vision, while allowing states freedom to develop and implement policies according to their individual circumstances. Goals can and should be national; the choice of means must be state and local.

The federal government should undertake activities to promote research, evaluation, and dissemination of developments in curriculum, teaching, learning, and the management of schools. The federal government should be instrumental in collecting and analyzing data, statistics, and information about education generally.

Federal legislation, rules, and regulations and the distribution of federal funds must be respectful of and not conflict with state statutes and constitutions that establish education governance and accountability for the state. The federal government should not mandate or promote advisory groups that duplicate or impinge upon state board of education functions.

As a practical matter, ESEA is scheduled to be reauthorized in 2007. Congress must adhere to this timetable in fulfilling its legislative duties. Any delay or postponement of reauthorization beyond 2007 would send an unmistakable message to the public about the priority it places on national education reform and its concern, or lack thereof, about the academic success of students such reforms are intended to help.

ASSESSMENTS and ACCOUNTABILITY

Assessments

Improving achievement levels for all students is a lengthy and complex process that all states are currently engaged in. State administered assessments, while invaluable in this effort, in and of themselves should not be considered as a panacea for all the problems in the education system. States—having ultimate responsibility for elementary and secondary education—must have flexibility on how to optimize learning and determine adequate progress in raising student achievement levels.

Federal requirements regarding state assessments should:

- Motivate each student to learn and monitor every student's progress towards achieving a state's academic performance standards;
- Use multiple indicators of student achievement and school performance to evaluate the performance of all elements of the education system and stimulate the system's continuous improvement;
- Report results in formats and language that parents and the public can easily understand;
- Inform state level policies and programs;
- Provide states with all necessary funding to comply with the required tests, including both development and ongoing administrative costs; and
- Unless they can show good cause otherwise, federal officials should defer to the thoughtfully and deliberately crafted assessment systems and accompanying accountability

measures states have crafted to meet their individual needs and circumstances.

Accountability

States have developed comprehensive accountability systems that foster continuous improvement of educational practices, with the ultimate goal of improving student learning. Student achievement and performance are at the core of clear goals for any local, state, or federal accountability system. States share the same goals to promote student achievement and to hold schools and districts accountable.

Federal accountability requirements must:

- Hold schools accountable for the performance of all students
- Have broad political, business, and community support so they can be sustained over time, yet also be adaptable to necessary changes.
- Have clear incentives and motivate students and educators to achieve high standards of performance.
- Be based on multiple measures producing accurate, meaningful, and valid results.
- Utilize a full range of interventions, including capacity building, in addition to specific sanctions and rewards.

Federal requirements regarding state accountability should:

- Allow all states to use student growth rates as the basis for meeting any federal accountability requirements, also known as “adequate yearly progress” (AYP).
- Permit states to use English proficiency attainment to hold schools and districts accountable for LEP students (in cases where it would be valid, reliable, and consistent with the student’s educational program).
- Allow states to count students with a disability who successfully complete their IEP (but do not earn a diploma based on state academic standards) in AYP calculations.

Sanctions

- State compliance with federal rules and regulations should not be enforced through threat of or actual withholding of federal funding for unrelated programs.
- States should be allowed to set their own professional qualifications for the instructional personnel of supplemental service providers.
- Federal policies and resource allocations must make it a priority to support and expand the capacity of state departments of education to provide technical assistance and other help to those schools and districts most in need.

TEACHER QUALITY

Good teaching matters. Teachers, policymakers, and parents realize that student achievement need not be prescribed by socioeconomic status, parent involvement, or race and ethnicity; on the contrary, recent evidence makes clear that regardless of the factors that students bring to school, good teachers measurably increase student learning, and good schools foster high levels of student achievement in large part because of the quality of their teachers and principals. Teacher and administrator quality are clearly among the most

significant factors in student achievement.

Effective teacher quality policies must include:

- State board of education authority over teacher licensure and certification, ensuring that these policies are fully integrated with the state education program.
- Pre-service teacher education programs that have clearly articulated standards aligned with K-12 systems.
- Requiring the completion of an approved teacher education program (or alternative teacher preparation program) and demonstrated knowledge of basic skills, content area, child development, methods of instruction, and classroom management.
- The limitation and ultimate elimination of emergency certification.
- State-developed proficiency-based approval for teacher education programs.
- A state-established process to examine the background, including any criminal record, of all school personnel.

HIGH SCHOOL REFORM

The institution of the American high school must undergo sweeping improvements in order to prepare all students for today’s economy. High schools must reject the notion that students with different abilities should be prepared for different futures. They must be willing and able to prepare all students to achieve both in postsecondary education and in the workforce without remediation.

True high school reform should:

- Focus on the core issues of literacy, high school structure (including use of the school day and the school calendar), teacher quality, and dropout prevention.
- Eliminate the need for remediation by the time a student earns a high school diploma.
- Provide an opportunity for students to access online and higher education courses, which can facilitate the transition of those students who pursue a college education.
- Have a better alignment of high school with post-secondary institutions into a seamless P-16 continuum.
- Ensure that high schools have relevant, challenging, and integrated curricula taught by qualified teachers who will manage the need for remediation.

MISCELLANEOUS

- 1.) Openness, transparency, and full disclosure with regard to any flexibility, waivers, exemptions, exceptions, or accommodations granted by the U.S. Department of Education to individual states must be mandatory. Such information is necessary to allow states learn from each other’s strategies and successes and to ensure

the integrity of the process.

- 2.) Federal funds provided for federally mandated education initiatives should be adequate to achieve the goals of these programs.
- 3.) In its role to promote and disseminate promising practices, ESEA should stipulate that the U.S. Department of Education identify successful schools and those that meet all federal education requirements so that policymakers and practitioners can research these case studies to reproduce the results sought by federal officials.
- 4.) Special consideration should be given to schools that are small, rural, and/or have limited resources to meet NCLB requirements such as highly qualified teachers, supplemental services, school choice, etc.
- 5.) The federal government should limit reporting requirements to those necessary to account for funds, to demonstrate compliance with constitutional and statutory requirements, and to assist in determining the most effective use of federal funds.
- 6.) As control over immigration is exclusively a function of the federal government, federal education funds should be provided to states with significant numbers of low-income immigrants to offset the costs of educating their children.
- 7.) There is a national crisis regarding the physical condition of schools and the need for new construction. Therefore, it is imperative and appropriate for the federal government to allocate funds to help states and local school districts rebuild their education infrastructure and leverage additional local spending on school construction and renovation.
- 8.) In that state boards of education are the only state policymaking authority focused solely on education, and that state boards work in close consultation with their governors and legislatures to implement the state's education agenda, therefore: The federal government should maintain the current framework of accountability and oversight of federal education funds that is provided by state boards and maintain the funds necessary for state departments of education to perform needed duties, services, and functions. Further, any new federally funded education initiatives intended for states should be, as they have historically been, directed through the state board of education.

For more information on NCLB Reauthorization, please contact NASBE Director of Governmental and Public Affairs David Griffith by calling (703) 684-4000 or by emailing davidg@nasbe.org.

NASBE
NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION

The National Association of State Boards of Education is a nonprofit, private association that represents state and territorial boards of education. Our principal objectives are to strengthen state leadership in education policy-making; promote excellence in the education of all students; advocate equality of access to educational opportunity; and assure responsible lay governance of public education.