

# IMPROVING THE NO CHILD LEFT BEHIND ACT'S ACCOUNTABILITY SYSTEM

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## FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD,  
ELEMENTARY AND SECONDARY EDUCATION

COMMITTEE ON

EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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## **IMPROVING THE NO CHILD LEFT BEHIND ACT'S ACCOUNTABILITY SYSTEM**

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**Friday, April 27, 2007  
U.S. House of Representatives  
Subcommittee on Early Childhood,  
Elementary and Secondary Education  
Committee on Education and Labor  
Washington, DC**

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The subcommittee met, pursuant to call, at 9:30 a.m., in Room 330, Marin County Board of Supervisors Chambers, 3501 Civic Center Drive, San Raphael, California, Hon. Dale E. Kildee [chairman of the subcommittee] presiding.

Present: Representatives Kildee, Woolsey.

Staff Present: Julius Lloyd Horwich, Policy Advisor for the Subcommittee on Early Childhood, Elementary and Secondary Education.

Chairman KILDEE. A quorum being present, the hearing of this Subcommittee will come to order.

Pursuant to Committee Rule 12[a] any member may submit an opening statement in writing, which will be made part of the permanent record, and I recognize myself for an opening statement.

First of all, I want to thank the Supervisors of Marin County for the use of this beautiful facility. I said to your Congresswoman, why do you come to Washington with all this beauty here? But, she does it out of duty and responsibility.

I'm very pleased to welcome the public and our witnesses to this hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education, Improving the No Child Left Behind Act's Accountability System.

I'm Congressman Dale Kildee from Flint, Michigan, and I'm the Chairman of this Subcommittee. I am especially pleased to be joined by my friend and colleague, Congresswoman Lynn Woolsey. I have enjoyed working with Congresswoman Woolsey for more than 14 years. She's a leading voice in the House on so many issues that touch every-day Americans, including education and, of course, the war in Iraq.

I particularly value her input as a member of this Subcommittee on the reauthorization of No Child Left Behind.

As Chairman, one of my priorities is to work with my colleagues, Democrats and Republicans, and educators in Washington and around the country, to improve and reauthorize No Child Left Behind this year.

Our country's success in the 21st Century economy will be directly tied to our ability to continue to produce a high-quality labor force, and that ability is, of course, directly tied to our ability to provide every child with a world-class education.

Since 2002, Congress and the President, however, have underfunded No Child Left Behind by \$56 billion, and the President's proposed budget for this year, 2008, would under fund the law by another \$15 billion, for a total of \$71 billion.

California is larger than Michigan, but just in 2006, because of this short-changing, Michigan lost \$331 million in Title I funding, and you can multiply that many times out here in California, which certainly would have helped a great deal here.

However, I'm hopeful that with the new Congress in Washington this year we'll start to do better. Our budget resolution does increase two areas of funding, education and health.

But, funding is only part of improving No Child Left Behind. I expect the law's basic structure, standards, testing, disaggregation of the various groups, adequate yearly progress, and the effects or consequences, some might say penalties, for schools that do not make AYP, to remain in place.

But, I believe that we should have a critical discussion within that basic structure to give more flexibility to those people who are there on the front line, whether they be School Board members, superintendents, teachers, or parents, to see how we can give some flexibility, and that is why we came here. We had a hearing in Flint. We are going up to Philadelphia. I'm going tomorrow to Arizona, because I've been in Washington for 30 years now as a member of Congress, and the longer I'm there the more I realize that that's not where all the wisdom lies, the wisdom is around the country.

And, we recognize, too, that this law, like every law, was written on Capitol Hill and not Mount Sinai, and even Moses went up the second time. So, we want to really get your input, and your input will make a difference, particularly, on the flexibility on the local level, and you can challenge it in any way you want.

So, these field hearings are very, very important. In my home town of Flint, we heard from superintendents, teachers and parents, and today's panel includes an expert in school reform, a superintendent, two principals, and a teacher, and I look forward now to hearing their perspectives on how No Child Left Behind has worked, and what we can do to make it work better.

I'm confident that their testimony will play an important role in the Committee's understanding of how the law has impacted not only Marin and Sonoma Counties and other parts of California, but also places like them all around the country.

I look forward to working together with Congresswoman Woolsey, with my Ranking Member, Mr. Castle, Chairman Miller, and Ranking Member McKeon, both of whom are also from California, and all the Members of the Committee on a bipartisan reauthorization of No Child Left Behind.

In addition to our witnesses, those who would like to submit written testimony for the official printed record, and this record will be printed, and bound, and kept in the Archives of the United States, and used by us before they go into the Archives, may e-mail

it to the Subcommittee Counsel to my left here. And, do that, please, by the close of business next week, Friday, May 4th.

I yield now to Representative Woolsey for her opening remarks.

Ms. WOOLSEY. And, I, too, want to thank the Board of Supervisors and President of the Board, Steve Kinsey, but, particularly, his right arm, Liza Crosse, who made all this possible for us to be here today, and look out there, and thank all of you for being here on such a beautiful day, being interested in our children and their education.

But, most of all, I want to thank you, Mr. Kildee, for choosing the 6th Congressional District to hold the only No Child Left Behind hearing in California. Believe me, I am honored, and I thank you so very much, and I thank George Miller, Representative Miller, who is the Chair of the Education and Labor Committee, for agreeing with Congressman Kildee that, yes, indeed, this is the perfect place to be hearing about what we need to do and consider before we fix No Child Left Behind, because today our witnesses represent a cross section of the experts in our district. It was very hard to come down to five individuals on a hearing about growth models.

We could go on all day talking about what we need to do to fix No Child Left Behind, and we all know that. So, that's why I'm going to encourage everybody that's here that wants to submit written testimony into the record, and if you didn't get that e-mail, my office can provide that to you, or you can send your testimony through my office, and we will get it to the Committee.

And, what you are going to do today is help us reshape the No Child Left Behind Act, and that's why I have been looking forward to this hearing. It's your experience, it's your thoughts on the law, it's your reaction to what's gone on for the last six years, that will make the difference in whether or not we reauthorize No Child Left Behind so that we improve upon it, and learn from all of your experience.

And, I say fix it, I don't say reauthorize it, or rewrite it, I say fix it, take what's good about it and keep it, and change what isn't working. And we are lucky, now we have experience on No Child Left Behind, we can take a second bite of the apple. It's before us. Now, it's important that we take advantage of this time to make the changes.

We will be working within the framework of the law. We need to make adjustments based upon the experience of school districts, of students, of teachers, parents, all around the country, and I, for one, look forward to working with my colleagues in coming up with the best possible fix.

My fix will be fair, it will be flexible, and fully funded, and that's what I'm going to be measuring all of the changes against. And, as we move forward, it's very important to me that no child is left behind, and one of the best ways is the principle of fundamental fairness.

The standards movement has challenged everyone to do a better job, and to strive, and certainly to understand what kids aren't getting the best of the best, and which ones are actually able to survive in this structure we have. And, standards send a very important message to students and their families, and that message is

it doesn't matter what a student's background is, where a student lives, if a student is rich or poor, that student has every right to expect an education that will take he or she as far as that student can possibly go.

But, every school isn't starting from and in the same place. Every school district doesn't have the same challenges. Low-income schools, for one, a school with a great number of English learners, have very different challenges from a school where a majority of the students come from the wealthier families, wealthier educated families also.

Having the same standard for every school, I don't believe is the best option for our students. That's why I'm looking forward to working with the Chairman to develop more flexible criteria, such as growth models, that would clearly reward movement in the direction of AYP, even if the bar isn't cleared in the first year.

We also need to give schools additional flexibility, and under No Child Left Behind we can branch out from the exclusive focus on standardized tests, and we know testing is useful, I mean, education and testing go hand in hand, but it can't be the only evaluation tool. So, by relying too heavily on the single criterion I believe we leave the whole child often behind, and we may fail to capture the uniqueness of any one school or one school district and, certainly, the individual challenges those schools, and students, and districts face.

I think we need to be fair. We also need to be flexible, and to be open to additional measurements on whether a student is progressing, such as the student's work portfolio, or decreases in grade-to-grade retention rates. So, I'm looking forward to working with the Committee to develop a law that is more flexible, and a law that educates the whole child.

Finally, we need to review and revive, that's for sure, funding for No Child Left Behind. As the Chairman said, if one includes the most recent budget request for Fiscal Year 2008 this President has short changed No Child Left Behind to the tune of more than \$70 billion, in fact, California lost \$1.3 billion for Title I in 2006 by not fully funding No Child Left Behind.

And, as an aside, when we fully fund No Child Left Behind we also have to on the Federal side, we have to fully fund our commitment to IDEA.

So, when the President puts in place what he considers his number one program, when he first introduced No Child Left Behind, and then he doesn't fund it, I believe he's slamming the door in the face of the very schools, the very districts, and the children who need the help the most.

So, in the upcoming authorization I look forward to working with Chairman Kildee and the Committee to ensure that we uphold the principles of fairness, flexibility and full funding.

So, let's hear from you, and you don't have to agree with me, you don't have to agree with the Chairman, but know that what you have to say is very, very important to us, and I thank you for coming.

Chairman KILDEE. Thank you very much, Congresswoman Woolsey.

One privilege I have is, when I'm in a district I can tell one story about the Congressperson from that district. I'd been a Senior Member on the Budget Committee, and Representative Woolsey came into Congress, and a member of the Budget Committee was appointed to the Cabinet, so there was a vacancy, and she was put on about halfway through the budget mark-up, and we were working about 3:00 in the morning, and just crunching numbers, crunching numbers, and she was assigned then to serve on the Budget Committee to take the place of the person that had moved over to the Cabinet.

And, she had come in, probably about 1:00 in the morning, we were just crunching numbers and saying, well, we can probably cut \$100 million here from this program, she listened, finally she said, "Well, but how will that affect the people served by this program?"

She brought us back to reality, that budgeting is, essentially, priorities and values, not just number crunching, and she really actually changed the tone of the rest of the budget mark-up, and I'll always remember that.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Chairman KILDEE. Great moment.

Without objection, this is part of our housekeeping, all Members of this Subcommittee that are not here will have seven calendar days to submit additional materials or questions for the hearing record.

I'd like now to introduce the very distinguished panel of witnesses here with us this morning. Dr. Fred Tempes is the Director of the WestEd Comprehensive School Assistance Program, where he oversees that agency's school and district reform work, and also directs the California Comprehensive Assistance Center.

WestEd is a non-profit research, development and service agency that works with school districts and schools to improve student achievement.

Prior to coming to WestEd Dr. Tempes directed the California Department of Education's School and District Accountability Division, and the Department's Curriculum Instruction and Assessment Division.

I will now yield to Congresswoman Woolsey to introduce our other witnesses.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Dr. Sharon Liddell has been the Superintendent of Santa Rosa City Elementary and Secondary Schools since 2003. She has spent 26 years in education as a teacher and an administrator, as well as providing professional development opportunities to teachers and administrators.

Elizabeth Schott has been the principal at McDowell Elementary School in Petaluma, California, since 2004. She has served as a Principal and teacher in various elementary and middle schools around California. Ms. Schott is a doctoral candidate in educational leadership at the University of Nevada, Reno.

Pepe Gonzalez has served as the Vice Principal of Venetia Valley Elementary School, formerly called Gallinas Elementary School in Marin County since 2005. Before becoming Vice Principal, he taught for three years in a bilingual 5th grade classroom. Mr. Gon-

zalez is a first generation American who was born and raised in Point Reyes Station, California.

Melanie Blake, Melanie is currently a teacher at Sonoma Valley High School. She has been an educator for over 20 years, working with diverse student populations from early childhood through college. She holds a Master's degree in Educational Leadership with an emphasis in Assessment.

Welcome, all of you.

Chairman KILDEE. Welcome to all our witnesses, and for those of you who have not testified before this Subcommittee before, I will explain our lighting system and the five-minute rule.

Everyone, including Members, and we do this in Washington, too, is limited to five minutes of presentation or questioning. Your green light will be illuminated when you begin to speak. When you see the yellow light, it means that you have one minute remaining, and when you see the red light it means your time has expired and you need to conclude your testimony. Now, we won't interrupt you in the middle of a paragraph or a thought, and there's no ejection seat, but when you see the red light try to wind it down.

And, please be certain as you testify to turn on and speak into the microphone in front of you, and turn it off when you are finished.

We will now hear from our first witness, Dr. Tempes.

**STATEMENT OF DR. FRED TEMPES, DIRECTOR,  
WESTED COMPREHENSIVE SCHOOL ASSISTANCE PROGRAM**

Mr. TEMPES. Thank you, Chairman Kildee, Representative Woolsey, thank you for inviting me to testify today.

As Mr. Kildee said, I am Fred Tempes, I direct the Comprehensive School Assistance Program at WestEd. Over the past several years we've worked with over 100 schools and several dozen districts in various program improvements, either under NCLB or state-designed sanctions, and we've learned some things over the years working with these schools, which I can very briefly summarize for you.

How do schools and districts improve? No surprises here. Schools need to guarantee all students access to a rich, rigorous, and coherent curriculum. They need to provide those students with skilled teachers. They need to put in place principals who are leaders and district administrators who are leaders, and then they need to hold themselves accountable for making sure plans actually get implemented and students actually learn and progress.

I think NCLB has done a great service in moving this agenda forward. They provide a framework, NCLB provides a framework, and much of the work that needs to be done now really falls to states, districts and schools to do.

But, we are here today to talk about the accountability system, and, Ms. Woolsey, I like your word fix NCLB, I think there's some fixes that we can look at in the accountability system.

First of all, let me say the accountability system in general has been a good thing. It's caused schools and districts, and parents and community members, to focus on student achievement, disaggregating student achievement by the various significant sub-

populations has caused the achievement of the few to no longer mask the achievement of the many, so it's caused the right focus.

But, and we get to some of the fixes, to be effective an accountability system must be judged as reasonable by those being held accountable, and, unfortunately, under the NCLB accountability plans established by most states we are fast approaching the point at which the majority of participants in the system no longer view the system as reasonable. Here's why.

To be reasonable, a system must set realistic targets that motivate all to strive to achieve them. When participants in the system no longer view the system's goals as attainable, they cease to work to attain those goals.

California provides an excellent example of what the problem is. If you look in my testimony, there's one chart in page four, and it's the stair-step chart that all of my colleagues here are familiar with. Many states have taken advantage of the stair-step approach to accountability, giving you three years at one plateau, stepping up to the next plateau. We are at the end of the last permitted plateau.

In California, and the chart I've given you is for high school English language proficiency, we have set a target of 22.3 percent English language proficient for our students in California. This is not an unreasonable target. I challenge any superintendent to stand up in front of his or her board and say we are not going to be able to educate 22 percent of our kids. But, now we are at the point where the steps start ratcheting up rapidly, 11 percent next year, 11 percent the following year, 11 percent the year after that.

Over the past three years, the State of California has averaged just under three percentage point gains a year. We can do better in California. We can do better than three percentage points, but we are not going to make 11 percentage points a year over the next decade. It's just not going to happen, the system is no longer reasonable to the majority of the participants.

Second, a reasonable accountability system must have realistic consequences, particularly, at the district level where states are required to apply sanctions on districts, most of the consequences of those districts falling into corrective action are just not realistic.

One is hard pressed to imagine the California State Board of Education taking any of the following actions in any but the most extreme circumstances.

One, replace the district staff. Remove individual schools from the jurisdiction of the district and arrange for alternative governance. Appoint a trustee in place of the superintendent and school board, or abolish the district. As Mr. Kildee pointed out, I worked for 20 years in the California Department of Education, that's not going to happen, and even if it did there is no evidence that that would make things better. Not realistic consequences.

So, how can we approve or fix the accountability system? Many, especially in California, have argued, and probably will argue here today, for a growth model. That's fine, I think there are good arguments for a growth model. They are also good arguments for a status model like NCLB is today.

I think the crucial factor, however, is whatever system we envision in the next go around it must be reasonable. Teachers, principals, and district administrators need to be able to go to work in

the morning believing that if they work hard to provide all students a standards-based curriculum they can meet the targets laid out for them. I don't think that's the case now.

How can we make these targets more reasonable? Three things seem obvious in the current framework. One, revisit the targets for special education and English learners, and I'll talk a bit more about English learners in a moment. Increase the time frame for reaching the targets, and as both Mr. Kildee and Ms. Woolsey have alluded to this morning, increase the funding to districts to do this work, via Title I.

Let me talk about English learners, because this is a crucial issue for us in California. 25 percent of our students are English learners, another 18 percent come from homes where a language other than English is spoken.

Under NCLB, we require these students after a year to take a test in English in California. This test is not designed for English learners. It's not valid, it's not reliable, that's why they are English learners, they are not ready to take this test.

The other thing is, when kids exit English learner status, they can then exit the group of students that's being evaluated, so we take out the successful students and then hold districts accountable for the rest of the students. Keep those students in that testing group.

I can see the red light is on, so I'll skip over to the time frame issue. Districts, after two years in program improvement fall into corrective action. Schools, after five years in program improvement fall into corrective action. That's an unrealistic time frame for districts, and I'll imagine that my colleagues here will probably chime in on that. Districts need more time. It takes a long time to turn a district ship around, and they are willing to do it, they need some external support to do that. I think that you ought to look at supporting external agencies to support schools and districts, and I will yield whatever seconds I have remaining.

[The statement of Dr. Tempes follows:]

**Prepared Statement of Fred Tempes, Senior Program Director, WestEd**

Mr. Chairman and Members of the Committee. I want to thank you for the opportunity to provide testimony as you begin to deliberate reauthorization of the No Child Left Behind Act. My name is Fred Tempes, and I am the Director of the Comprehensive School Assistance Program at WestEd. As you may know, WestEd is a nonprofit research, development, and service agency with headquarters in San Francisco and with 14 offices throughout the country. Success for every learner is our goal at WestEd, a goal we have been pursuing for over 40 years.

At WestEd I oversee our work in support of schools and districts identified as needing improvement under NCLB or other state-specific criteria. Over the past several years we have been engaged with more than 100 schools and more than two dozen districts in California, Arizona, Nevada, and Hawaii as they seek to raise student achievement and close the achievement gap. I should add that I also serve as the Director of the California Comprehensive Assistance Center, funded by the U.S. Department of Education and charged with helping to build state capacity to implement NCLB. Prior to joining WestEd, I spent more than two decades in the California Department of Education, and my last position there was Director of School and District Accountability. Hence, I believe that I have a good perspective on accountability systems as they are envisioned at the state level and dealt with at the local level.

Let me start my remarks by very briefly summarizing for you what we have learned about how schools and districts improve. In the standards-based educational world envisioned in NCLB, the path to improvement is clearly marked. Schools and districts need to:

- Guarantee all students have access to a rigorous and coherent curriculum.
- Hire and retain skilled teachers to implement the curriculum.
- Place strong principals and district administrators in leadership positions.
- Be accountable for making sure improvement plans result in actions and actions result in gains in student achievement.

NCLB has done much to move this reform framework forward, and although much remains to be done, many of the tasks ahead are best addressed by states and districts operating within the framework established by NCLB. For example, in the curriculum arena all states now have academic standards and annual assessments designed to measure student progress in meeting those standards, thus creating the structure for a standards-based curriculum. States and districts now need to work on aligning instructional materials and strategies to those standards, using formative assessments to monitor progress during the year, and providing appropriate professional development to support curriculum implementation and effective instruction.

The focus of today's hearing is, however, on the fourth component of the framework for school and district improvement as we see it: a workable system to hold adults accountable for giving all students access to a rich and rigorous curriculum that leads to improvements in student achievement.

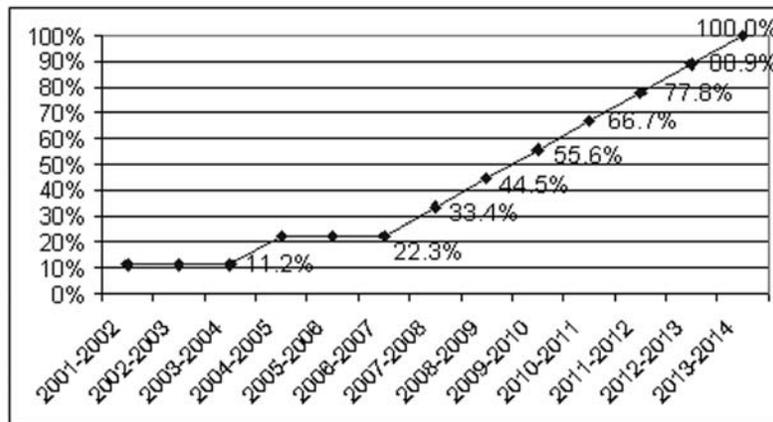
The accountability system called for in the No Child Left Behind Act is undeniably the most controversial feature of the Act, and with good reason. Supporters of the current system rightly point to the fact that NCLB has caused schools and districts to pay attention to whether all students are meeting state standards. And the requirement that achievement results be disaggregated by significant subgroups means that the high achievement of some groups can no longer mask the low achievement of others.

However, to be effective, an accountability system must be judged as reasonable by those being held accountable. Unfortunately, under the NCLB accountability plans established by most states, we are fast approaching the point at which the majority of participants in the system no longer view the system as reasonable. Here's why.

First, a reasonable system must set realistic targets that motivate all to strive to reach them. When participants in the system no longer view the system's goals as attainable, they cease to put forth the effort to reach them.

California provides a good example of the problem. Table 1 displays the percent proficient targets for high schools in English Language Arts in California.

TABLE 1.—CALIFORNIA PERCENT PROFICIENT TARGETS  
ENGLISH LANGUAGE ARTS: HIGH SCHOOL LEVEL



Like many other states, California has taken advantage of the “stair step” provision in NCLB that allows for a more gradual ramping up of proficiency targets. Hence, the proficiency target in English Language Arts for the current school year for high schools is that 22.3% of students will be at or above the proficient level. That is not an unreasonable target. But those in the system looking beyond the current year will see that for next year the target increases by 11 percentage points and 11 points every year thereafter. Over the past three years, the state as a whole

has averaged just under 3 percentage point gains in English Language Arts per year. Although we can do better, almost no one in the system believes these out-year goals are attainable for all schools and districts.

Second, a reasonable system must have realistic consequences attached to failure. Particularly at the district level, where states are required to apply sanctions, most of the consequences of falling into Corrective Action identified in NCLB are just not realistic. One is hard pressed to see the California State Board of Education taking any of the following actions in any but the most extreme cases: Replace the district staff, remove individual schools from the jurisdiction of the district and arrange for alternative governance, appoint a trustee in place of the superintendent and school board, or abolish the district. And beyond the feasibility of these actions, there is little empirical or other evidence that they have been or will be effective.

How, then, can we improve the current accountability system? Many, especially in California, have argued for a system that rewards steady growth rather than the current model that only acknowledges attainment of proficiency. There are good arguments for either system, but the crucial factor, regardless of the type of system, must be reasonableness. Teachers, principals, and district administrators need to be able to go to work in the morning believing that if they work hard to provide all students a standards-based curriculum, they can meet the targets laid out for them. How can we make targets more reasonable? Three things seem obvious: revisit the targets for the Special Education and English Learner (see discussion below) subgroups, increase the time frame for reaching the targets, and increase the funding available to our most challenged schools and districts via Title I.

Because one in four students in California is an English Learner and another 18% come from homes where a language other than English is spoken, targets for those learning English is a crucial topic here. Under NCLB, California has established ambitious yet reasonable targets for the rate at which students acquire proficiency in English. However, two revisions to the current system or a future system would improve reasonableness greatly. First, the requirement that English Learners take the same English language tests designed for English speakers in English Language Arts and mathematics after one year in our public schools is based on the unreasonable and unvalidated assumption that all students learning English should be academically proficient in English after one year. Testing English Learners on tests developed for native speakers of English should be delayed until those tests can yield psychometrically reliable and valid measures of student achievement.

Second, NCLB does a great service to English Learners by including them as a subpopulation in the accountability system. Schools and districts should be held accountable for the academic achievement of these students. However, the current system requires removal of the very students who give evidence of school and district success, former English Learners who have met academic and English language proficiency targets, thus depressing the scores of the English Learner subgroup unjustifiably. Students initially identified as English Learners should remain a part of that subgroup for accountability purposes as long as they are enrolled in the district.

The question of meaningful consequences for failing to meet achievement targets is, of course, inextricably linked to the question of reasonable targets. Assuming realistic targets, the Committee should look at both the time frames in which sanctions are applied and the level of support given schools and districts in the different stages of sanctions.

The question of time frames is particularly salient at the district level. Whereas schools are given four years to right their ship after failing to make AYP, school districts will find themselves in Corrective Action after failing to make AYP at the district level after just two years. Research and most district superintendents will tell you making systemic change at the district level takes much more time. The short time line for district improvement sometimes leads to taking short-term measures, such as focusing intervention resources on those students closest to making AYP, that do not result in long-term benefits to all students in the district. Like schools, districts should be given at least four years after failing to meet AYP before facing the more drastic, and one hopes—in the future—more constructive, consequences of Corrective Action.

Finally, our experience is that schools and districts need support in their efforts to improve. If they had all the skills, staff, and time they needed to improve, they would be doing the things they all know need to be done. But frontline educators tell us every day that they can best do their job if they receive support from highly qualified, external school improvement experts—both to help them see the areas in need of attention more clearly and to provide the ongoing support and coaching necessary to ensure that plans result in actions.

Currently there is no provision in law for such external support services. Regional Educational Laboratories, which at one time offered similar support, are now focused on a rather narrow research agenda. The Comprehensive Centers, such as the one I direct, did offer technical assistance directly to schools in a former grants cycle, but they now provide capacity building support to state departments of education exclusively.

I do not argue with these shifts in focus, because both further education research and state-level support are greatly needed. But the changes have left a deficit of federally supported, school and district-focused, external support services. Mr. Kildee was the principal author of legislation supporting the National Diffusion Network in the 1980s and early '90s. Nothing like this Network currently exists, but schools and districts need expert assistance more now than at any time in recent history.

I support the creation of a new, federally funded, regionally based, external support program designed to increase school capacity. (In its paper on ESEA reauthorization, the Knowledge Alliance [formerly NEKIA] called such an effort a "School Improvement Venture Fund for Using Research-Based Knowledge.") If such a technical assistance program, however named, were to be established and well-supported in the years ahead, schools and districts would again have a place to turn for expert support.

I thank the Committee for allowing me this time and for consideration of my testimony.

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Chairman KILDEE. Thank you, Dr. Tempes, and we'll be asking you some questions.

Mr. TEMPES. Certainly.

Chairman KILDEE. And, your entire testimony will be included in the record.

Mr. TEMPES. Thank you.

Chairman KILDEE. Dr. Liddell.

**STATEMENT OF DR. SHARON LIDDELL, SUPERINTENDENT,  
SANTA ROSA CITY ELEMENTARY AND SECONDARY SCHOOLS**

Ms. LIDDELL. Good morning, Chairman Kildee, Congresswoman Woolsey, and Members of the Committee. Since my paper is about seven to eight minutes, and you have full copies, I will try to go over the highlights, but we've already brought up some important points that I may have to back up on.

My roles as K-12 educator have covered the spectrum, and it is my honor to testify today on behalf of Santa Rosa City School Board and our Elementary and High School District.

As a reference, I want to tell you that we have a community of 157,000 residents. We have approximately 17,000 students in 29 schools. Approximately 4,100 of those students are English learners, primarily, Hispanic, so this topic is very important to us.

Special education includes 2,100 students, and approximately 5,000 students receive free and reduced lunches in our district.

We are an urban district, although we look very much like a suburban district, but we have declining enrollment also, which affects our funding very much.

The era of accountability has been of great benefit to our students. We are making progress. Since 2003, we have now removed three schools from program improvement, we have schools who are meeting their targets in all subgroups. We have a program improvement high school who has now met their targets for two years, but barely missed exiting the program improvement assistance because of participation rates, which is another element that we need to talk about.

We have now added a distinguished school to our list, so we feel like our schools are making progress. There are four elements I'd like to talk with you about, assessment and accountability through growth models, in comparison to other states, subgroup impacts and funding impacts.

We've talked about AYP, or Adequate Yearly Progress, being based on externally-imposed targets. The California Academic Performance Index is a growth model that sets individualized growth targets for school-wide growth and for each subgroup. This state system sets individual targets for the subgroups that are attainable.

Once the schools implement the research-based, standards-based curriculum programs, schools are accountable in this model for academic improvement, and build a sense of confidence and accomplishment as targets are met.

As part of a successful growth model, which ultimately meets the goals of NCLB, there should be assurance that schools use formative assessments to provide more timely information at both elementary and secondary levels. Transferring that data information into direct instruction is of utmost importance to improve the teaching and learning.

Second, assessment and accountability in comparison to other states, we have very rigorous standards in California. Benchmarks for proficiency, standards in other states are not considered consistent from state to state. Should states continue to be compared to one another in the NCLB accountability? It's important to ensure that states are consistent in standards and in benchmarks for proficiency.

The Academic Performance Index is based on assessments in the four core areas in Grades 2-11 on the California Standards Test, and on the California High School Exit Exam results for Grades 10-12. This broader accountability of the API provides a more comprehensive, wide-screen picture as opposed to a data snapshot.

Optimum national comparisons and accountability will result from consistent standards, benchmarks, and use of those formative assessments to determine trends in education and to help train our work force.

Area three, subgroup impacts, again, English learners, special education students, economically disadvantaged students. These students count in several different groups toward our scores. Students who belong to more than one group are counted in each subgroup, which results in statistical over-representation of the student. One method of adjusting this would be to count the student toward each group as an equal fraction, totaling one student.

Flexibility in assessing identified English learners during the first three years after school entry is an important aspect. It requires specific achievement for students for up to three years. We know now it doesn't take seven years for English learners to become proficient, but we do need some time to prepare them.

Funding impacts are very, very important. Finances at the local level are stretched, using creative legal funding combinations to fund these formative assessments and to follow student progress rather than waiting for the final API and AYP at the end of the year.

The ability to establish these structures and to continue them long enough to make a difference create huge impacts on districts and schools. Unfunded or low-funded mandates including special education must be addressed for school districts to be successful at the NCLB endeavor, incorporating new areas of targeted accountability and flexibility, while acknowledging progress, all offer the promise of an accountability system that will fairly and accurately reflect the performance of students and schools. Most importantly, they offer the promise of improved academic performance to meet the global demands facing our students.

Thank you for this opportunity to present our recommendations.

Mr. Chairman, I would like to request permission to enter information that I have here into the record. It is information that relates to progress that can be made through certain structures, and other recommendations.

Chairman KILDEE. Without objection, it will be included in the record.

Ms. LIDDELL. Thank you.

[The statement of Dr. Liddell follows:]

**Prepared Statement of Sharon E. Liddell, Ed.D., Superintendent,  
Santa Rosa City Schools**

Good morning, Chairman Kildee, Congresswoman Woolsey, and Members of the Subcommittee. My name is Dr. Sharon Liddell, Superintendent of Santa Rosa City Schools in Santa Rosa, California. My roles as a K-12 educator have covered the spectrum over the past 27 years. It is my honor to testify today on behalf of Santa Rosa City School Board and our elementary and high school districts. My testimony will address the topic, "Improving the No Child Left Behind (NCLB) Act's Accountability System."

As a reference for my testimony, let me briefly describe our district. Santa Rosa is a community of 157,000 residents. Santa Rosa City Schools (SRCS), the largest school district north of San Francisco, serves approximately 17,000 students in grades kindergarten through twelve. Approximately 4,100 students are English Language Learners, primarily Hispanic. Special Education includes 2,100 students in various groups. About 5,000 students receive free and reduced lunches. We are an urban district with declining enrollment.

The era of accountability has been of great benefit to students in Santa Rosa City Schools. As a result, we know more than ever before about the academic progress of each and every student. It has caused us to develop professional learning communities, examine student data, use data to make instructional decisions, institute specialized programs, and to develop pyramids of interventions for struggling students. However, there are some areas which could be improved in NCLB.

*Assessment and Accountability through Growth Models*

Adequate Yearly Progress (AYP) is currently based on meeting a certain set of externally imposed targets. As it is currently designed, this accountability does not recognize schools or subgroups for incremental growth from one year to the next.

The California Academic Performance Index (API) is a growth model that sets individualized growth targets for school-wide growth and for each subgroup. The state API system sets individual targets for each subgroup that are attainable once schools implement research-based, standards-based curriculum programs. Schools are accountable for academic improvement and build a sense of confidence and accomplishment as targets are met.

As a part of a successful growth model which ultimately meets the goals of NCLB, there should be assurance that states, districts, and schools use 6-8 week, formative assessment systems in order to provide better, more timely information about student learning at both elementary and secondary levels. Transferring the data information into direct instruction is of utmost importance. Therefore, require that the assessments provide useful diagnostic information to improve teaching and learning.

*Assessment and Accountability in Comparisons to Other States*

California established rigorous grade-level standards in all the content areas and endeavored to refine these standards since their inception in 1999. The criterion-

based assessment system, known as the California Standards Tests (CST) was written to assess these standards annually for all students in grades 2-11. The Elementary and Secondary Education Act (ESEA) gave each state the authority to set its own standards. In order to maintain high standards, California chose to use the fourth-highest band of five as "proficient" to measure student growth in relation to standards, considered some of the most rigorous in the United States. Benchmarks for proficiency are not considered consistent from state to state. Should states continue to be compared to one another in NCLB accountability, it is important to ensure that states are consistent in standards and in benchmarks for proficiency.

Adequately Yearly Progress (AYP) results are based upon English Language Arts (ELA) CST and Mathematics CST results of students in grades 2-8 and the California High School Exit Exam (CAHSEE) results for grade 10. The ELA and mathematics performances of ninth and eleventh grades are not a consideration of the accountability system. The Academic Performance Index (API) on the other hand is based on assessments in the four core areas in grades 2-11 on the CST and on CAHSEE results for grades 10-12. The broader accountability stroke of the API provides a comprehensive, widescreen picture as opposed to a data snapshot.

Optimum national comparisons in accountability will result from consistent standards, benchmarks, and the use of formative assessment systems to provide ongoing, timely information about student learning at both elementary and secondary levels. Data collected can be used as diagnostic information and improved direct instruction practices for all learners, as well as to determine trends in education. Refined achievement targets can be further developed based on rates of success actually achieved by the most effective public schools.

#### *Assessment and Subgroup Impacts*

Students may be identified in one or more subgroups, such as English Learner, Special Education, and economically disadvantaged. Students who belong to more than one are counted in each sub-group which results in statistical over-representation of the student. One method of adjusting this would be to count that student toward each group as an equal fraction totaling one student.

English Learners come to school districts with quite varied backgrounds, i.e. elementary and secondary students with little or no English skills; some with limited academic background in their home language; some with parents who do not speak English or have academic skills in their home language; some with backgrounds rich in academic skills and multiple languages. Flexibility in assessing identified English Learners during the first three years after school entry, while requiring specific achievement for students for up to three years, will allow students to make academic gains toward meeting state standards and English speaking skills in preparation for sustainable performance in determining AYP. Alternate, U. S. Department of Education- approved assessments, seeking specific gains may be used during that three-year period to gauge English proficiency and content knowledge.

Special Education students represent specific impacts involving individual education programs (IEPs), accommodations, and modifications, which may include conflicts with the Individuals with Disabilities Education Act (IDEA). Flexibility in use of approved alternative assessments, such as out-of-level assessments, would allow schools to meet the requirements of both IDEA and NCLB.

Students who qualify as economically disadvantaged students may or may not be part of the English Learner and/or the Special Education subgroups. However, background elements may cause students to resemble one or both subgroups. Low academic vocabulary, minimal pre-school experiences, low-frequency of reading experiences, all require intensive direct instruction, interventions, more time on task, specialized materials reinforcing the need for teacher and administrator training, fully-funded mandates, and thorough understanding of how data transfers into instructional practice.

#### *Assessment and Funding Impacts*

Finances at the local level are stretched as far as possible using creative, legal, funding combinations to fund needed formative assessments to follow student progress throughout the year rather than waiting for final API and AYP assessments at the end. This process enables strategic, direct instruction to occur as soon as a need is identified. Regular programming, staffing, interventions, tutoring, technology, after-school programs, additional sections, longer school days, teacher and administrator training all must be funded. The ability to establish these structures and the ability to continue them long enough to make a difference create huge impacts on district and school budgets.

Unfunded or low-funded mandates must be addressed for school districts to be successful at the NCLB endeavor. Raise levels of Title I and NCLB funding to cover

the costs that states and districts incur to carry out NCLB requirements, without reducing expenditures for other educational programs. As state and national data is reported, research and development of increasingly more effective accountability systems should be given a high funding priority.

Incorporating new areas of targeted accountability and flexibility, while acknowledging progress, all offer the promise of an accountability system that will fairly and accurately reflect the performance of students, schools, and school districts. Most importantly, they offer the promise of improved academic performance to meet the global demands facing our students.

Thank you for the opportunity to present our recommendations.

Chairman KILDEE. Ms. Schott.

**STATEMENT OF ELIZABETH SCHOTT, PRINCIPAL,  
McDOWELL ELEMENTARY SCHOOL**

Ms. SCHOTT. Good morning. Thank you, Chairman Kildee and Congresswoman Woolsey for giving me the opportunity to testify today about the accountability system of the No Child Left Behind Act, and how it might be improved in its reauthorization.

As a third-year principal of McDowell Elementary School in Petaluma I hope to provide you with a representative view of NCLB's effect on schools like ours.

McDowell Elementary School is home to 340 students in kindergarten through 6th grade. Roughly, 71 percent of our students are English learners, and 73 percent receive free or reduced price meals.

Before McDowell entered program improvement year two in the fall of 2005, I regret to say that the soft bigotry of low expectations was our way of thinking. Being labeled PI Year 2 was the kick in the shins our school needed to begin serious work on changing our practices in curriculum and instruction. Our staff realized that continuing to do things the same way, only harder, was not making our students successful.

Upon being shown proof that schools with even more challenging populations than ours were bringing more than twice the number of students to proficiency than we were, our teachers said, if they can do it, so can we. So, we initiated a reform of our reading program in November, 2005, that mimics Reading First as closely as our site funding allows, since our district doesn't qualify for Reading First.

Year two also mandated that we provide funding for supplemental educational services, a sanction that deserves serious reconsideration by the Committee. In our area, where public transportation is an issue, and personal cars and home computers are few, we have one SES provider within walking distance of the school.

Their level of service is disappointing, but they are the only game in town. Their tutors are not trained in Reading First methodology, and so one would have to question their effectiveness at supplementing classroom instruction for our most impacted learners.

Furthermore, the required 20 percent set aside from sites Title 1 budgets for SES has a negative impact school-wide. The \$80,000 that we will have spent on SES before exiting PI could have been used to provide our school with a reading coach for a year, one of the most effective pieces of the Reading First model that we have not yet found a way to fund.

Despite our initial efforts in '05-'06, we did not make AYP for certain subgroups in last spring's testing, and so we are in year three of program improvement. Our regional consultant allowed us to continue with the reforms we designed last year, but it will take three years before the fruits of our labor show up in the test results of this year's kindergarten class. Time, as you can see, is not on our side.

If we fail to make AYP again, the district will have the right to replace all or most staff. In the case of Petaluma, a wholesale replacement of staff at our site would result in students being instructed by teachers who are actually less well trained than those already in place, due to our extensive Reading First-like professional development.

Such an intervention by the district would ultimately be detrimental to our students, jeopardizing future gains in student achievement and dismantling a staff that now believes that kids can do it.

An alternative would be an accountability structure that gives credit for the progress and changes being made at a school, with benchmarks that demand a set amount of growth each year, like California's API. Such a model would be a far-more motivational and statistically reasonable model than the 100 percent proficiency target by 2014. This mathematically unattainable goal has undermined the credibility of NCLB's accountability system from the start.

I agree that drawing a line in the sand is an effective way to begin a reform process. The first iteration of NCLB certainly has served its purpose of getting people's attention and mandating that they attend to the foremost goal of schooling, student learning. The required growth targets and time line need to be restructured, but not abandoned. Educators are only human after all, and we will back slide into old practices that are bad for students if the bottoms of our feet aren't kept a bit warm.

One of the first parent letters I wrote as the new Principal of McDowell School in September, 2004, was the School Choice Letter. I found it deeply embarrassing to have to tell people that their child's school was inadequate, and that they had the right to go find a better education across the freeway.

However, my personal shame was irrelevant in comparison to the far more somber story the scores told. We were failing to educate our students.

I feel we have now effectively begun to sustain progress, but there looms an impending sense of doom at my school about not being able to turn the ship fast enough and travel far enough to outrun the final sanctions of PI 4 and 5. A more progressive, psychometrically reasonable growth-based model of accountability in the reauthorization of NCLB would go a long way toward guaranteeing that reform efforts at McDowell and schools like ours are sustained and energized long enough to sweep up all of our students into a wave of success.

Thank you.

[The statement of Ms. Schott follows:]

**Prepared Statement of Elizabeth W. Schott, Principal,  
McDowell Elementary School**

Thank you Chairman Kildee, Representative Woolsey, and Members of the Subcommittee for the opportunity to testify today about the Accountability System of the No Child Left Behind Act and how it might be improved in its reauthorization.

As a third year principal of McDowell Elementary School in Petaluma, California, about 30 miles north of here, I hope to provide you with a representative view of the No Child Left Behind Act's effect on schools like ours.

McDowell Elementary School is home to 340 students; roughly 71% of our students are English Learners and 73% of our students receive free or reduced price meals. These percentages exceed the district's and county's levels by a minimum of 35-40%. A small number of schools in our county are in a demographically comparable situation, and one other elementary school in the Petaluma City School District has a similar profile to McDowell's. Most of these schools that are not in Petaluma, however, benefit from being in districts that qualify for Reading First funding, which is helping them make a real difference in their students' achievement. Petaluma City Schools does not qualify for a Reading First Grant due to its relatively isolated pockets of high risk students. McDowell and schools like ours, therefore, fall between the cracks in terms of being able to access resources available to more homogeneous districts.

Before McDowell entered Program Improvement Year II in the fall of 2005, I regret to say that the mindset of attributing our poor results to the test, and to the learner, and to the changing families, and to the fact that we have children just 12% of their time between Kindergarten and 12th grade, still had a stranglehold on the staff at McDowell. Sadly, I include myself in that category. What has been described as the "soft bigotry of low expectations" was our way of thinking, although I would characterize it more as a perpetuation of the "self-esteem before anything else" thinking of the 90s. We had a bunch of kids in our school who couldn't read proficiently, but they didn't necessarily feel bad about it, and that was what was important. There was also a measure of thinking "this too shall pass", whereby teachers felt they could just wait out NCLB, and continue doing what they'd always done which "the test" just wasn't capable of measuring the success of.

Being labeled Program Improvement Year II was the slap in the face our school needed to begin serious work on changing our practices in curriculum and instruction. Our staff realized that continuing to do things the same way—only harder—was not making our students successful by a measure that, while still not embraced by all, clearly wasn't going anywhere. It was then, and still is, my philosophy that we cannot wait for people's minds to change when something as critical as student success is at stake. We must change behavior first and the subsequent increased successes will cause minds to follow.

Foreseeing that Year III of Program Improvement was going to bring mandated changes in curriculum and instruction should we continue not to meet our targets, our staff decided to take control of the process of making those changes. Upon being shown proof that schools with even more challenging populations than ours were bringing more than twice the number of students to proficiency that we were, our teachers said, "If they can do it, so can we." So we initiated a reform of our reading program in November of 2005 that mimics Reading First as closely as our site funding (with district contributions) allows. With the help of a consultant who donated much of her time in that first year, we received training in research-based methods for delivering the adopted series, established an assessment calendar that tracked student progress at minimum three times per year, and began regrouping for reading instruction so as to better target instruction.

We did not, however, make our AYP targets for certain subgroups in last Spring's testing, and so we are in Program Improvement Year III. When we met early this year with our external consultant from the county as required, we outlined the changes we made last year, and showed her the progress we were seeing on our assessments. We have been allowed to continue with the reforms as designed last year. This year's Kindergarten class will be the first to have received the direct, explicit instruction in the fundamentals of reading as outlined in the National Reading Panel's 2000 publication *Teaching Children to Read*, for an entire school year. Since second graders will no longer be tested after this year, it will be three years before the fruits of our labor will show up in this Kindergarten class's test results. In the meantime, we hold on to the fact that schools receiving Title I High Achieving Schools awards in our state who are in Reading First districts are predominantly in their third, fourth or fifth year of Reading First. We know that we must stay the course in order to realize lasting gains for our students.

Time, however, is not on our side. We could have, and should have, taken the radical steps of last year at least two years sooner. But now we are up against it, probably making most of our AYP targets this year, thereby halting the decline into Year IV of Program Improvement. But we may fail to meet the 2008 target increase, and the district would have the right to:

- Reopen the school as a charter
- Replace all or most staff including the principal
- Contract with an outside entity to manage the school
- Recommend State takeover
- Undertake any other major restructuring

It is the second of these options that is the most disturbing, and one of the areas where the accountability structure of No Child Left Behind may have room for improvement.

In the case of Petaluma, which I doubt is unique in California or the country, McDowell is the only school that has undertaken the training and instructional reform described earlier in this testimony. We are implementing research-based reading strategies that are known to be effective with students like ours, and we are seeing progress. No other school in the district has done anything like this. And, as Garden Grove Superintendent Laura Schwalm says, now “\* \* \* our teachers believe the kids can do it.” If there were to be a wholesale replacement of staff and administration at our site, students would be being instructed by teachers who were actually less qualified, and less well trained, than those already in place. Additionally, the teachers at McDowell want to make this reform work for our students. They are deeply committed to turning the tide at our school, while other teachers throughout the district have no interest in teaching our students. Such an intervention by the district would be disastrous for our students.

An accountability structure that takes into account the progress and changes being made at a school, with benchmarks that demand a set amount of growth each year, more like the Title III accountability model, would be far more motivational and statistically reasonable than the current absolutist scheme. The “100% proficiency” goal has undermined the credibility of NCLB’s accountability system from the start. Starting from where you are and establishing growth targets that are psychometrically attainable and that end at a rational proficiency threshold is worth the committee’s careful consideration.

This factoring in of the time it takes to accomplish any major reform needs also to be applied to a school’s English Learner population. The current accountability model in NCLB doesn’t seem to take into account the research on the time it takes to learn a second language, particularly the academic vocabulary of that language. Schools with English Learner subgroups are being held to a double whammy of a standard due to the neighborhoods they serve. I’m not a lobbyist for Title III, but again, their level of accountability—the district—effectively neutralizes the location factor of a school and holds the district accountable for making sure all students in the district are learning. Best practices research tells us that reform at the school level is only partially effective, and that true change happens when there is articulation of curriculum, instruction, professional development and resource allocation originating at the district level.

District level accountability for Special Education programs housed at individual schools would also be a more fair way to assess the effectiveness of such classes. We have a Special Day class at my school, which currently houses Kindergarten through second grade students. This year, I don’t expect Students with Disabilities to even constitute a significant subgroup at my school. Last year, however, there was another Special Day Class at my site, one with third through sixth graders in it. Up until last year, districts were allowed to report site-based programs as “district programs,” aggregating accountability at the district level. Last year, however, the reporting rules changed, and individual sites were held accountable for their Day Class results, even if many of the students were not from one’s own attendance area. This, and the school choice provision starting in Year I of Program Improvement, caused our district to move our intermediate Special Day Class to another site this year, one not in Program Improvement. This was a loss for our site in all ways not related to NCLB’s accountability system. We lost valued staff and students who were part of our family. Children who had always walked to school were now having to ride a bus across town to a school their parents had no idea even how to get to.

I understand that an extreme throwing down of the gauntlet is an effective way to begin a reform process. The first iteration of No Child Left Behind certainly has served its purpose of getting people’s attention and mandating that they attend to the foremost goal of schooling—student learning. The variability in how states have operationalized “proficiency”, however, needs to be addressed. It simply isn’t fair for some states to call grade level proficiency 85% correct, and others to call it some-

thing less. Additionally, the required growth targets and timeline needs to be restructured—but not abandoned! People are only human after all, and we will backslide into old practices that are bad for students if the bottoms of our feet aren't kept a bit warm.

Furthermore, while I am not an expert on the issues surrounding students with disabilities, there seems to be something mean about the current law's dismissal of many such students' learning challenges in its assumption that they can attain proficiency at the same rate and level as typically learning students. I try to imagine what that must feel like to students and parents, and it seems unempathic at best. Yes, all students must show progress, but in the case of students with disabilities, this progress is outlined in and guaranteed by the IEP process.

This is but one example of where NCLB and IDEA clash to the detriment of students and schools. The other is in the arena of the modifications to the testing protocol written into students' IEPs. If those modifications are used during testing, the student isn't counted in one's participation rate, and is automatically given a performance rating of "Far Below Basic." Allowing NCLB to supersede IDEA is confusing to families and punitive to schools.

Another area that deserves serious reconsideration is Supplemental Educational Services. In our area, where several of the families have one car at the most, and parents aren't proficient English speakers, and home computers are the exception, we have one SES provider within walking distance of the school. Their level of service is disappointing, but they are the only game in town. Their tutors are not trained in Reading First methodology, and so one would have to question their effectiveness at supplementing classroom instruction for our struggling learners. The level of sophistication (and language) needed to access the online providers is beyond most parents, and my concern about our local provider is the same regarding the expertise of those on the other end of the modem.

The funding we receive as a schoolwide program of Title I is clearly circumscribed and monitored by the state, as well it should be. But SES doesn't seem to be so scrupulously tracked. The set aside for this consequence of being in Program Improvement costs our school's Title I budget approximately \$20,000 per year. At minimum, we will have to commit these dollars to an ineffective intervention for another two years. In total, that will represent nearly \$80,000 that could have been used to provide our school with a Reading Coach, the one piece of the Reading First model we have not yet found a way to fund.

In conclusion, I would like to talk about what motivates me as a principal to get out of Program Improvement, and to stop being affected by the consequence end of the NCLB accountability system. One of the first parent letters I wrote as the new principal of McDowell School in September of 2004 was the school choice letter. I found it deeply embarrassing to have to tell people that their child's school was inadequate, and that they had the right to go find a better education across the freeway. Paradoxically, since that time, our enrollment has increased steadily, with this year finding us the fastest growing school in the district. In certain populations, federal accountability measures aren't what matter most about their child's school. Apparently having a bilingual school secretary, many bilingual classified and certificated staff members, a free after school Boys & Girls club program (thanks to Prop 49), and being within walking distance of home all mitigate our poor showing on state testing.

Nevertheless, beyond my personal shame at having to facilitate transfers and see our name in the newspaper as an underperforming school, the scores told a far more somber story: we were failing to educate our students. I feel we have now effectively stopped the hemorrhaging and are working diligently to sustain our progress. I find silver linings constantly to keep teachers motivated—pointing out that we moved from a Similar Schools ranking of one last year to two this year, for instance. There does loom, however, an impending sense of doom at my school about not being able to turn the ship fast enough, and travel far enough, to outrun the final sanctions of Program Improvement Years IV and V. A more progressive, psychometrically reasonable, growth-based model of accountability in the reauthorization of No Child Left Behind would go a long way toward guaranteeing that McDowell's reform efforts are sustained and energized long enough to sweep up all of our students into a wave of success.

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Chairman KILDEE. Thank you very much.  
Mr. Gonzalez.

**STATEMENT OF PEPE GONZALEZ, VICE PRINCIPAL,  
VENETIA VALLEY ELEMENTARY SCHOOL**

Mr. GONZALEZ. Thank you, Chairman Kildee and Congresswoman Woolsey, for the opportunity to speak here today. I was fortunate enough to get to walk here this morning from my school, which I'll be speaking specifically to, a few blocks down the road.

Venetia Valley is a K-8 school that embodies a very diverse student population. We have enrollment of about 609 students, ranging from three areas here in San Rafael, Santa Venetia neighborhood, Los Ranchitos, and the canal areas, are all very close to the civic center.

Students come to us with a variety of skills and come from very diverse homes. The demographic breakdown of our students is 60 percent Hispanic, 4 percent Asian, 6 percent African American, 2 percent Filipino and 27 percent White. We are very, very diverse, and representative of the State of California.

Of these students, 44 percent of them are English language learners, and 21 percent of these students have been reclassified as fully English proficient.

Our average parent education level is a 2.6, a 1 meaning that the parents had not finished high school, and a 5 with having some post graduate education. So, we have a very changing, trending change in population that we've had to face.

Over these past five years, the following demographic trends have emerged—the percentage of Hispanic students has increased from 38 to 60 percent. The percentage of students who qualify for free or reduced lunches also increased from 33 to 52 percent. 7 percent of our students have moved outside the City of San Rafael to other more affordable neighborhoods, a number that has doubled in the past five years.

Along with these demographic trends, we have been tracking student progress. In the past two years, our API has increased by 54 points overall, currently placing us at 6 in the overall school ranking.

The past two years we have met our adequate yearly progress goals, as 42 percent of our students are at or above the proficient level in English Language Arts, and 53 percent of our students are proficient or above in level of mathematics.

Venetia Valley is the only school in Marin County to run a dual merge bi-literacy program, and only one of hundreds in the entire country. The program was being funded by Federal Title 7 money that was overriding the state proposition. Our parents were asked to sign a waiver in order to be taught bilingually in both English and Spanish, and they currently have to continue to do that.

Our program is offered to two of the four classes, kindergarten to 3rd grades, we have roughly about 40 students per grade level K-3, and about 28 students in the 4th and 5th grades that continue into the program. Our school is K-8, however, in the middle school grades we go to a middle school model, where Spanish is offered as an elective and not as part of the curriculum.

In our K-5 model, literacy in all language arts are taught strictly in English. Thematic kits in science, social studies and the arts are done in Spanish, as mathematics is the only constant curriculum that's taught every other day in Spanish and English.

Our teachers come from very, very diverse backgrounds. Some have Latin American Native Spanish speaking languages, and others are non-native that have acquired Spanish as their second language.

As our demographics have changed, it has become more difficult to have a balance of native and non-native Spanish speakers in our classrooms.

Some of the things that we've been able to do here, and had to adjust to in the past for No Child Left Behind is, we have to meet these expectations for our district adopted a mandated reading program in 2002. Teachers were trained and expected to meet these district pacing guides for every class in the district, and every grade level, was on specific pacing guides. We had to hire a district literacy coach and a site literacy coach, which monitors and trains teachers and guides them through the new program.

Routine assessments are now done quarterly. We have—comprehension scores to meet these individual needs. It's become more work, but we have the resources available to do that, which has been a great success for us.

After school programs have become an extremely important part of our system. We have community partnerships that allow us and help us fund these programs to give these students that need it that extra support. Our after school program has two components, a literacy and mathematics enrichment program, as well as a homework support part.

Computer programs were implemented and are part of the program to give struggling readers support outside of the structured classroom.

The after school program has a strict entrance policy, beginning with the teacher nomination, for we only allow students that are truly far below basic or in the basic range to enter. They have to get a permission slip, and then there's a signing of a contract, for if a student fails to attend the program for three days there is a waiting list that we activate quickly, and there's a high turnaround rate in that program.

The program coordinator works very closely with administrators and other teachers to continually meet the teachers' needs and the children's needs.

Venetia Valley offers an after school program to all its students, kindergarten through 8th grade.

We continue to strive to increase the level of parent involvement, which is something that we've really, really pushed in the past few years. We have a great partnership with parent service projects here locally in Marin, and the increase—we are trying to increase the number of Latino parents to attend meetings, extra curricular activities, and all around general participation in our classrooms.

Parent universities are held monthly to teach parents how to better serve their student's needs. Classes range from how to help children on homework to how to read the report card. Parents gain an understanding of how to be better parents, and just an overall sense of the education system.

The increase of parent knowledge is something to ultimately benefit the children and what they gain from the school.

Thank you very much for this opportunity.

[The statement of Mr. Gonzalez follows:]

**Prepared Statement of Pepe Gonzalez, Vice Principal,  
Venetia Valley K-8 School**

Thank you, Chairman Kildee, Congresswoman Woolsey, and Members of the Subcommittee for this opportunity to testify. I am Pepe Gonzalez, Vice Principal of Venetia Valley Elementary School in San Rafael.

*I. School Background*

Venetia Valley, a K-8 School, embodies a diverse population with an enrollment of 609 students. Students attending Venetia Valley School come from three major communities within San Rafael: Los Ranchitos, Santa Venetia which are areas that are in the northeast corner of the city near the Marin County Civic Center. Students come with a variety of skills and from very diverse homes. The demographic break down of our 609 students is as follows: 60% Hispanic, 4% Asian, 6% African American and 2% Filipino and 27% white. Of these students 44% are English Language Learners and 21% of the students have been Reclassified as Fully English Proficient. Our average parent education level is 2.6 (1 meaning that parents had not finished high school, 5 having a post graduate education)

Over the past 5 years, the following demographic trends have emerged: the percentage of Hispanic students has increased from 38% to 60% and the percentage of students who qualify for free and reduced lunch has increased from 33% to 52%. Seven percent of our students have moved outside the city of San Rafael, a number that has doubled in the past five years. Along with these demographic trends, we have been tracking student progress. In the past 2 years our API has increased by 54 points overall, currently placing us at a 6 in overall school ranking. The past two years we have met our Yearly Adequate Progress Goals as 42% of our students are at or above the proficient level in English Language Arts while 53% of our students are at or above the proficient level in Math.

Venetia Valley is the only school in Marin County to run a dual immersion biliteracy program, and only one of hundreds in the country. The program was being funded by Federal Title VII money that over rides the state mandated proposition. Parents are required to sign a waiver allowing their children to be taught in both English and Spanish. Our Biliteracy program is offered to two out of the four K-3 classes, roughly 40 students per grade level. In the fourth and fifth grades the program condenses down to one class of roughly 28 students.

Literacy and all Language Arts are taught strictly in English. Thematic units in Science, Social Studies or the Arts are done in Spanish as Mathematics is taught every other day in Spanish. Our teachers vary, coming both from various Latin American countries having Spanish as their native tongue while some have acquired Spanish as their second language. As our demographics have changed it has become more difficult to balance the number of native Spanish speakers with non-native Spanish speakers in the biliteracy program.

*II. Best Practices*

Venetia Valley has had to adjust and modify teaching practices in order to continually meet NCLB growth expectations. The District adopted a mandated reading program starting in the 2002-2003 school year. Teachers were trained and expected to meet district pacing guides to be consistent for all grade levels throughout the district. School sites created literacy coach positions that mentored teachers and guided them through the new program adoption. Routine assessments became implemented to obtain quarterly lexile and literacy scores to better meet individual students' needs.

After school programs were created with community partnerships to give students who are not proficient or advanced extra support. The after school program has two components, literacy and mathematics enrichment and homework support. Computer programs were implemented and are part of the program to give struggling readers support outside of the structured classroom environment. The after school program has a strict entrance policy, beginning with teacher nomination, parent permission and the signing of a contract. If a student fails to attend the program more than three days students from the waiting list will be activated. The program coordinator works very closely with the administrators and teachers to continually meet the children's' needs. Venetia Valley offers after school programs for Kindergarten through eighth grade students.

Venetia Valley is striving to increase the level of parent involvement and general school knowledge. Through a partnership with Parent Service Project our goal is to increase the number of Latino parents who attend meetings, extracurricular activi-

ties and over all participation in the classroom. Parent universities are held monthly to teach parents how to better serve their students needs. Classes range from how to help children with homework to reading report cards. Parents gain an understanding how to be better parents. The increase of parent knowledge ultimately benefits the children and what they gain from school.

### *III. Measures of Success*

Though our demographics have changed over the years we have met our expected API goals. Being a K-8 school makes us very unique and allows us to see our kids grow throughout their elementary experience. We are able to foster a high level of community as families often have multiple children in our school ranging in various age levels. Parents respect the security of our school and its programs.

Venetia Valley prides itself in being diverse while still maintaining high academic expectations. We team with several community organizations that bring in outside programs to better round our students education. Art, drama, physical education and music programs balance out the academics.

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Chairman KILDEE. Thank you very much, Mr. Gonzalez.  
Ms. Blake.

### **STATEMENT OF MELANIE BLAKE, TEACHER, SONOMA VALLEY HIGH SCHOOL**

Ms. BLAKE. Thank you, Chairman Kildee, Congresswoman Woolsey. I am pleased to have been invited today to testify on improving the No Child Left Behind Act's accountability system.

I am Melanie Blake, and I am a teacher at Sonoma Valley High School. I come here today on behalf of the 340,000 members of the California Teachers Association, to share my experience and observations as a teacher, which reflect what is happening with many of my colleagues as well.

Sonoma Valley High, and all of our neighborhood schools, are an integral part of a small world community in Sonoma County. If you walk through our town you would see the last mission built in California, small shops situated on a quaint plaza, nestled in rolling hills, and surrounded by vineyards.

What you would not guess if you visited our community is that we are also a school district which has been designated for program improvement, a failing district under the No Child Left Behind Act.

Two of our elementary schools and both of our middle schools are designated as program improvement. Sonoma Valley High was a PI school just one year ago, although we were able to exit program improvement status this year. So, I feel qualified to speak to you today about what NCLB means to the field experts, the teachers, principal, and staff who work with students every day.

First, I want to assure you that I, along with my teaching colleagues recognize that accountability is a necessary component of our school systems, and it is fitting that this is the focus of this hearing today. NCLB has been a driving force for schools to take a deep look at our students, and focus on students by subgroup.

We recognize that there is an achievement gap, especially for students with disabilities, English language learners, and economically disadvantaged students. We embrace the opportunity to work to close that achievement gap, and we consider that our task and our responsibility as educators.

Unfortunately, accountability under NCLB has been reduced to a matter of test scores and little else. I've seen the consequences of an unfair testing system on English language learners. In our

schools, we have students from other countries who arrive every year with their families to work in the vineyards and in our tourist industry. In a sense, these students have twice as much to learn. They must master core academics and English.

Our EL students need time to acquire academic proficiency in English, requiring an absolute performance measure does not recognize these students' ongoing achievements. It punishes the students and the schools for, in essence, not learning fast enough. I've seen the discouraged students and, unfortunately, it happens at all grade levels.

The current assessment model also inadvertently penalizes our students in other ways. In Sonoma, we have an active and generous community, supplementing our core curriculum with arts programs, community involvement opportunities, career preparation, and more. But, children with low test scores cannot access this rigorous and enriching curriculum, because they are tethered with additional language and math classes. This punishes students who are deemed low performing by this one single measure. They are the ones most in need of these job skills and relevant curriculum to keep them connected to schools. So, the very students we seek to support are the ones who are disenfranchised by this one-test-fits-all model of assessment.

I know my students would be better served with a multiple measures type of assessment, that recognizes their ongoing improvement. Our state's accountability measure, the Academics Performance Index, or API, is designed as an improvement model that sets targets for students and subgroups of students to meet achievement goals and move them closer to proficiency.

At the same time, California's system recognizes the advances made by students in schools, and it contains provisions for intervention for schools that repeatedly fail to make these targets.

I urge you, on behalf of students, parents, CTA, to allow states the flexibility to decide the type of accountability model that best fits their particular needs. The achievement gap can continue to be a focus with this model through analysis of subgroup data.

I know, as do many practitioners, through the current research and our own daily experiences, that NCLB is not narrowing the achievement gap. I know accountability further disadvantages the English learners when the system depends on an over reliance on sanctions other than support. We have many, many examples of that in our valley.

Teachers welcome accountability when it means that students can feel welcomed into our schools knowing they have a chance to succeed and are not destined to fail.

The reauthorization of NCLB gives Congress the opportunity to build an educational accountability system that encourages students and teachers to reach their highest potential.

I hope you will work with us, the field experts, to build an accurate and fair accountability system for our students.

Thank you for the opportunity to speak with you today.

Chairman KILDEE. Thank you very much.

[The statement of Ms. Blake follows:]

**Prepared Statement of Melanie Blake, Teacher, Sonoma Valley High School**

Chairman Kildee and distinguished members of the Subcommittee on Early Childhood, Elementary and Secondary Education, I am pleased to have been invited today to testify on “Improving the No Child Left Behind Act’s Accountability System”. My name is Melanie Blake and I am a teacher at Sonoma Valley High School, located about 30 miles north of where we sit today. I have been a public school teacher for over twenty years. I hold a master’s degree in educational leadership with an emphasis in assessment. I have several teaching credentials and have worked with students of all ages, from elementary school through college. I have taught developmentally challenged students, high achieving students, native speakers and English Language Learners. I currently teach seniors English, civics and economics. I come here today on behalf of the 340,000 members of the California Teachers Association, all of whom have been affected by the No Child Left Behind Act.

Sonoma Valley High School is a wonderful place to work, with a group of dedicated teachers, supportive administrators, and involved parents. We are part of a district that also includes 5 elementary schools and 2 middle schools that feed into our high school, as well as two alternative education schools and two K-8 charter schools. Our schools are an integral part of a larger community that is a rural/suburban mix in the southeast corner of Sonoma County. If you walked through our community, you would see the last mission built in California, small shops and a traditional movie house all situated on a quaint plaza, complete with playgrounds and picnic area, nestled in the rolling hills and surrounded by vineyards. What many people would not guess if they visited our community is that we are also a school district which has been identified for Program Improvement—in other words, a failing district under the No Child Left Behind Act. Two of our elementary schools and both of our middle schools are designated as Program Improvement Schools and my own school, Sonoma Valley High School, was a PI school just one year ago. The high school was able to exit Program Improvement status this year, but as the level of expected proficiency sharply increases over the next few years, we may become labeled a failing school again. So I feel qualified to speak to you today about what NCLB means to the “field experts” in our educational system, the teachers, principals, paraprofessionals and support staff who practice our craft in schools—with students—every day of the year.

First, it is essential that we all recognize that accountability is a necessary component of our school systems, both statewide and nationally, and it is fitting that you make that the focus of your hearing today. NCLB has been a driving force for all schools to take a deep look at our students, and in particular, to focus on students by subgroup. We recognize that there is an achievement gap, especially for students with disabilities, English learners, and economically disadvantaged students. And I, along with my teaching colleagues, embrace the opportunity to work to close that achievement gap. That is why California instituted the Public Schools Accountability Act (PSAA) in 1999, well before the reauthorization of the federal Elementary and Secondary Education Act in 2001. Unfortunately, accountability under NCLB has been reduced to a matter of test scores and little else.

Currently, a one-time high stakes test often determines whether a school is considered to be making Annual Yearly Progress (AYP) and is succeeding under NCLB, or whether it is a school in need of improvement and therefore faces sanctions. This snapshot approach is an unfair and misleading measure of student achievement and fails to discriminate between schools that are truly in need of intensive and sustained intervention and those that may have missed the expected proficiency level by just a small amount.

This one shot assessment model is especially problematic for our English Language Learners and the schools and teachers that serve them. Students arrive every year from other countries. This is especially true in communities like ours, which has a large population of agricultural workers who work in the vineyards. These students must learn two curriculums: core academics and English. They need time to acquire academic proficiency in English. Requiring an absolute performance measure does not recognize these students’ achievement. It punishes the students and the schools for, in essence, not learning fast enough. This discourages learners and robs them of access to the same curriculum as their peers.

The current assessment model also fails to reward and recognize schools that offer students a rich and rigorous curriculum, that build students’ higher order thinking skills and dispositions of inquiry so valuable to future employers, and that offer opportunities to engage students in community service. Each of those avenues supports the learning and development of children and youth and all are being decimated by the over-emphasis on test preparation and test scores.

Moreover, our current measure of AYP does not even recognize the growth in student achievement as measured by test scores that IS occurring every day in schools. Many students are moving from far below basic to below basic, or below basic to basic levels of proficiency. Yet only those students who achieve a level of proficiency or above are recognized as making progress. California's Education Coalition, of which CTA is a member along with the PTA, the California Schools Boards Association, the Association of California School Administrators and many others, are united in advocating that academic growth among all segments of the school population should be acknowledged as making progress.

Our state's accountability measure, the Academic Performance Index (API), is designed as an improvement model that sets targets for all students, and all subgroups of students, to meet achievement goals that move them closer to proficiency. At the same time, California's system recognizes the advances made by students and schools and contains provisions for intervention for schools that repeatedly fail to make those targets. CTA urges Congress to allow states to decide the type of accountability model that best fits their needs and context, while maintaining the requirement in federal law that such systems analyze student achievement data by subgroup, so that the achievement gap remains a focus of attention.

We know, through the current research and through our own daily experiences in schools, that NCLB is not narrowing the achievement gap. We know that the current accountability system further disadvantages minority and poor students with its over-reliance on sanctions rather than support and assistance to schools and students that need it. We know that unless schools are funded at a level that makes proven reforms such as class size reduction and sustained teacher collaboration time feasible, the achievement gap will continue.

Teachers welcome accountability when it means that students can feel welcomed into schools, knowing that they have a chance to succeed there, not that they are destined to fail. The reauthorization of NCLB gives Congress the opportunity to build an educational accountability system that encourages students and teachers to reach their highest potential; I hope that you have the courage and wisdom to do so.

Thank you for the opportunity to speak with you today.

Chairman KILDEE. Before we begin the questions, Lynn and I would like to remind you that there is coffee in the corner, so if you want to replenish, audience or the witnesses, please do, we are somewhat informal here.

But, I really appreciate very much your testimony. I'd like to ask you a question, and we'll see how long it will take to respond, and Lynn, you might yield to me a bit, and I'll yield to you a bit when it's time.

Ms. WOOLSEY. Fine, yes.

Chairman KILDEE. We talk about AYP, Adequate Yearly Progress, and growth models. Is that and/or, can we have a combination, or is there some blend of the two? Let's just start down here, if you have any comment, start with Dr. Tempes.

Mr. TEMPES. Yes, I think the notion of a growth model and the notion of a status model, where you have to jump over the bar, might be blended, and I think my colleagues here have all talked about API as a good model for doing that.

My point is reasonableness. You can have a growth model that has unreasonable expectations as well. So, I think that the flexibility that we are asking for in California doesn't preclude other states from saying we want to use a status model, and I think the Department of Education is moving in that direction, but the opportunity that was presented to us we thought to have a growth model was kind of pulled out from under us with some technicalities.

So, I think you can have either/or, really, but you ought to allow either/or.

Chairman KILDEE. Dr. Liddell?

Ms. LIDDELL. I do think that there is room for both. I think that the growth model does give us the feeling of accomplishment and being able to meet targets and to meet student needs.

Having a target, like the AYP, is useful, and my suggestion would be that we have a team of statistical analysts take as look at how that could be blended, or how the specific question and data that we want to focus on, to know whether our children are moving toward success and proficiency, and whether or not we are closing the achievement gap. That takes more than just one person's perspective, it takes a lot of people sitting around the table analyzing the system.

Chairman KILDEE. Ms. Schott?

Ms. SCHOTT. Follow the status, is that what you are saying? I think the problem with that model is that if you set a bar you say, okay, we'd like 67 percent of our kids at proficient, and we'll be happy with that. I don't know how you go tell the 33 percent's parents that we've decided that they aren't the ones we need to bring to proficiency.

So, I think the growth model is possibly the humane model, and you could just call it Adequate Yearly Progress, it's a name, you just change that to that's what your Adequate Yearly Progress is, is your 5 percent between—there is a target in California, the 800 on the API is the target, and you are expected to make 5 percent of the difference between where you are now and 800 every year.

I guess that is a blend then, isn't it? There's a blend already in place.

Chairman KILDEE. Mr. Gonzalez?

Mr. GONZALEZ. I also agree that we need to have goals and targets that we need to attain. However, Dr. Tempes spoke to the reasonableness of these goals, specifically, with the ELL population, English language learning population, special ed and the lower income students. And, whatever that model is, we just have to be very, very careful when we set standards and goals for these students, and that's, in my opinion, the demographic change that has really affected us.

So, I think the model is necessary.

Chairman KILDEE. Ms. Blake?

Ms. BLAKE. Thank you.

In Sonoma Valley, we have a school that's now in year five program improvement. They have 68 percent low socioeconomic students and rising, 62 percent EL learners and rising,

What we need is an accountability model that allows for accountability for student growth in those areas. Special education children, I've worked with them every day for ten years, and ELL students, they are not necessarily in our current model by AYP by 2013, we are not going to have 100 percent of those students making proficiency every year in the test, because we have new children coming into the system every year, especially in California, where we have non-English speaking students arriving all year, every year.

And so, a model that recognizes student growth in achievement, as they move toward proficiency, is a model that's going to allow us to make those goals, and help students to really be successful.

Chairman KILDEE. Generally, a growth model is based upon the individual, how that individual is growing. So, you need a data system to follow the individual.

AYP, generally, is the 3rd grade at X school this year, and the 3rd grade, who are different people, the following year, and it did not meet the Adequate Yearly Progress. Is there some way we can fuse the two where we are determining that that 3rd grade is making progress, and at the same time the individual is making progress?

Yes.

Ms. LIDDELL. In our district, we have—we started with the Reading First model in 2003, and we did the same thing some of my colleagues did in placing it even in schools that didn't qualify for it. We were able to fund it into those schools with the coaches and the training for all the administrators and teachers.

And then, we've replicated that for students that are under-performing students in the secondary level. That model works very well, but the key piece to it is that data points are selected, such as reading fluency, comprehension, vocabulary, and data is collected on that on a regular basis, and put into what we call OAR system, Online Assessment Reporting system.

The teachers can push a button as soon as the information is in and get a report back on an individual student, on their class, on the school, on the district. We are able to monitor students as they move along all through the year, and that's what gets us finally to the NCLB goal. We have to know all along the way if we are reaching those students.

So, you are exactly right, we do need to know how we can address student needs individually or we can't move them. We have reduced the achievement gap in our special education group, and in our English language learner groups by about 35 points, and this is the method that we've used. It's very important to address the individual student.

Chairman KILDEE. Thank you.

Ms. Woolsey.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Well, we hear about API working, but my concern with API versus No Child Left Behind, believe me, I don't think No Child Left Behind and AYP is the total answer, but API stops working for me when students that are English learners, come from economically disadvantaged families, have a year's growth in a year, but never catch up.

So, I think the major thing that's wrong with No Child Left Behind, and measuring AYP, is where is the support for the school and the districts and the students that need more help every year to catch up.

Now, and then I want to make a side thing. I believe, and I want you to respond on this, that special ed kids that are cognitively unable to catch up forever, I believe that, and tell me if I'm wrong, that their IEP—

Ms. LIDDELL. IEPs.

Ms. WOOLSEY [continuing]. IEPs measure annual yearly growth, and that we should make sure that happens, that each one of these

kids then annually grows as best they can, and all the way through their schooling.

And so, how do we make sure that we don't leave the kids, English learners and—not just measuring, of course we should keep those kids, the English learners, in the mix forever so that we can show.

I want all of you to answer, if you will.

Mr. TEMPES. Right, let me just briefly, because there's a word you need to keep in mind.

Ms. WOOLSEY. Okay.

Mr. TEMPES. And, that word is nuanced. What we have now is an accountability system that is kind of a sledge hammer approach, all kids will hit this goal by this year.

Special education, the accountability measures for special education, students receiving special education, needs to be nuanced. Some kids should be held accountable for meeting those standards in the same time period as everybody else. Some kids should have an alternate assessment system, and be held accountable for those measures.

You go down to Mr. Gonzalez's school, children who are learning English should be held accountable for learning English at a proper rate. Those students should not be held in the same time period for hitting the academic measures until they are ready to be tested.

So, you need to nuance the approach to recognize these kids are different, that's why they are called, the services are called special education, that's why we have English learners. We have schools that also need a nuanced approach. We have schools that are designed not to keep students all year long, and they are being held accountable as if the students were there all year long. The goal for them still is to get them back into the regular school.

So, a more nuanced approach to the accountability I think would meet some of the concerns you are talking about.

Ms. WOOLSEY. But, that nuance will get them there eventually.

Mr. TEMPES. Correct.

Ms. WOOLSEY. I mean, there's an end.

Mr. TEMPES. Well, that's the hard part.

Ms. WOOLSEY [continuing]. 12th grade you are out.

Mr. TEMPES. That's the hard part, is people say, well, you are not going to hold yourself accountable for English learners or special education students, I think that everybody here would reject that.

We want to be held accountable for all students appropriately.

Ms. WOOLSEY. So, Mr. Gonzalez, and then you too, Dr. Liddell, tell me what other support systems are needed to make that possible, besides punishing your schools and sending your kids away.

Ms. LIDDELL. Very often, these IEPs that you mentioned are in conflict with IDEA, and so there does need to be a nuance in that, maybe flexible assessments for students at certain levels.

We do have a systems approach that works, where you do similar replication of a model, like we talked about, and there are some specialized programs out there that address the language abilities of students, no matter whether it's English language learners, or special education learners, or low socioeconomic learners, because their characteristics actually resemble each other. They have low vocabulary. Their fluency is not good. They may not have reading

background from their home, all kinds of characteristics that are very, very similar.

There are models out there now that we know of that work very well in a two to three year period, to bring all of those students up into a proficient model of use of English, whether it's reading, writing, and that type of thing, and those kinds of models need to be shown to all of the schools that need to have that, and use a systems approach to make this happen for the students, and watch them with the OARs data.

Ms. SCHOTT. I think that Reading First has been fairly successful for schools that have been with it for four or five years. We are seeing in California that the Title 1 high achieving schools that are receiving the awards from the State Department are coming from districts that have been with Reading First for four or five years, primarily, large groups of them.

what would help my school would be being able to getting a Reading First grant, but because it's a district level of eligibility, and I'm—

Ms. WOOLSEY. Well, tell me why McDowell isn't eligible? I didn't understand that.

Ms. SCHOTT. Okay. Reading First grants are given to districts, and districts have to have 40 percent of their 3rd graders not performing at proficiency. And so, in a variable district like ours, Petaluma will probably, in this lifetime events, they'll be never qualified, as a district, we'll never qualify for a Reading First grant.

And so—

Ms. WOOLSEY. So, your school is punished because the district as a whole is successful.

Ms. SCHOTT. Yes, it's a neighborhood kind of thing.

Ms. WOOLSEY. Okay, thank you.

Mr. GONZALEZ. You spoke of the IEP, and we pass students, if a student has an IEP, and is in special education, they are passed on to the following grade based on their individual education plan goals that they have met.

So, their grade level goals are different than their IEP goals, and they will pass on to the next grade level if they've met those goals.

So, though a student may not be passing classes at the same level as a regular education student, if their goals are met they are passed on, and that's where we see the discrepancy or the nuances in the law.

Ms. WOOLSEY. So then, are you, is that held against your AYP score?

Mr. GONZALEZ. If a student is supposed to go from 7th to 8th grade, does not have the grades to go, if you basing them strictly on grades, and they are not going to pass 7th grade, but they've met their IEP goals, they are now 8th graders, and they have to take the 8th grade test, though they have not met the district and the state standards.

Ms. WOOLSEY. And, that's different from a student who comes in not knowing English, and needs to have the catch up to get there, or a student that didn't have books in their house, and they are finally gobbling it up, but it takes time.

Mr. GONZALEZ. And, one other component to that is, if a new student arrives to us in 3rd grade, with no previous education, well, they are in 3rd grade so they are asked to take the 3rd or the 4th grade test, though they haven't had the previous education of kinder, 1st and 2nd.

Ms. SCHOTT. Did you want to say something?

Ms. BLAKE. Yes.

Ms. SCHOTT. Go ahead.

Ms. BLAKE. What teachers are seeing when it comes to testing is that over the last six years or we've started to see what we are calling a culture of testing. And, teachers need to have the flexibility to really be able to look at the data, see where students are currently functioning, and move them forward, and so it's very discouraging for a school like Sonoma Valley High, where we are put into program improvement, not based on student accomplishments, but because one subgroup of students failed to meet the 95 percent threshold for attendance.

And, in a district where you have migrant ed children, and you have children moving in and out of the district, it's very frustrating and discouraging to have your school labeled as a failing school for some very small sort of obscure component that really did not have a lot to do with student performance.

So, two things, the idea of formative assessment that gives the students and the teachers in the classroom some power over student progress, so we can say to that student, yes, you may not have reached this level, but you went from basic to proficient, or you went from below basic to basic, and that matters, because right now unless a student reaches proficiency each year they are tested that other growth doesn't seem to matter.

And so, that's why the formative mixed in with these ultimate goals is important to teachers.

Ms. WOOLSEY. Thank you, Mr. Chairman.

I have more questions when you are through.

Chairman KILDEE. I'll take some, and then it's your district, so you can.

Let me ask this. You know, California, Massachusetts, Michigan, set high standards for a child, and from rigorous tests. Other states, I won't name them, I'll get in trouble with some of my colleagues, but you probably know who they are, have standards that are rather low, and, therefore, it's easier to show good results on testing.

Yet, Congress felt very cautious about trying to move into national standards and national testing, because, we believe that education is a local function, it's a state responsibility, and it's a Federal concern, and it's a Federal concern for two reasons. We live in a mobile society. A person educated in Mississippi may wind up in California, and vice versa. And we are competing in a global economy. Education gives us the cutting edge in that.

But, it's a local function, state responsibility and a Federal concern, so we were very, more than reluctant, and chose not to have national standards and national tests.

Could we, however, and we do it somewhat, could we expand somewhat, at least some statistical sampling, and take the NAEP test and do some sampling of states, maybe not individual students

of states, and see how their standards and testing are measuring up to, say, the NAEP.

I'd like to have all of you comment on that, if you could.

Mr. TEMPES. Yes, that's interesting, I have that down on my list of accountability topics to raise today, because we hold schools accountable, we hold districts accountable, we ought to hold states accountable at some level as well. And, I think the way that you've just outlined, Chairman, Kildee, of comparing California's AYP achievement with the NAEP achievement, and granted there will be a gap that can be attributed to difference in standards, but you know that in some cases that gap is too wide to be attributed just to standards, it's a lower standard.

And, I think you ought to consider holding states accountable for reasonable standards. I don't know what the consequence, but NCLB is based on standards and consequences. So, I would endorse that notion of using NAEP to measure the rigor of state accountability systems. If it's too far, too much discrepancy, then there ought to be some consequence.

Chairman KILDEE. Doctor?

Ms. LIDDELL. I would agree with my colleague. I believe that there does need to be consistency in standards and consistency in benchmarks, in order for us to all be compared, and NAEP would be a good way to do it, or some other format in which the standards are examined. They don't have to be exactly the same, but so that the rigor is measured, and it is an accountability program that is consistent across the country, for what we want students to know.

Chairman KILDEE. Okay. Ms. Schott?

Ms. SCHOTT. I don't have anything to comment.

Ms. BLAKE. Mr. Gonzalez?

Mr. GONZALEZ. I would agree, the national system as well. However, states like California, Arizona, Texas, New York, that have high language learning populations would have to be addressed just like each school site would be, and as well with teaching standards for teachers and the credentialing issues. I know that we've had teachers come from different states, and they have through the hoops in each state. So, I think that would be a great thing to have nationalized as well.

Chairman KILDEE. Ms. Blake?

Ms. BLAKE. In the Chronicle yesterday a couple of studies were released, one talking about how in Marin County the 1999 Teacher of the Year left the teaching profession because there were too many obstacles, too many pressures, too much work in the weekends, too much work in the summer. We cannot continue to have this schizophrenic approach to testing and assessment of children in our classroom. We need an accountability system that allows teachers to look at their students and expect reasonable growth and reasonable expectations toward an ultimate goal of proficiency.

If we want to have a state standard for proficiency, or a national standard for proficiency, that's okay, but teachers need to know that the accountability system in the classroom is going to be supporting student learning, supporting a rich and rigorous curriculum, and it's going to do it in a way that allows us to measure real growth and real learning for those students.

Otherwise, it's just another target that doesn't mean much to the children in the classroom.

Chairman KILDEE. Thank you very much.

Let me ask this question and I'll yield to Congresswoman Woolsey.

Right now if you miss AYP by that much, or by a country mile, in the third year you get school choice as the effect, right, and then the fourth year you get supplemental education services.

Could we write the bill where if you just barely miss AYP there's some effect, but if you miss it by a country mile there's a deeper effect?

Do you want to go down the line again?

Mr. TEMPES. I hate to use the word nuance again, but I will, and when—it's a good system with the kind of caveats that we've all laid out here today, for identifying schools in need of improvement. But each school is individual, and you can take a look at schools that have the same, even a country mile off the mark, and one school is going in the right direction and another school is not doing anything.

The system needs to be nuanced enough to say, okay, neither of you are meeting AYP, you can continue on the course you are going on, you we need to intervene in. And, this really can only be done at the local level. I think you need to empower state departments of education and districts to do that kind of work.

Chairman KILDEE. It does introduce a certain subjective element, right?

Mr. TEMPES. Without a doubt, and I mean I think that is better than to try to dictate from Washington one of these things will happen.

Chairman KILDEE. Thank you very much.

Yes, Doctor.

Ms. LIDDELL. We have an example of that in our school district. We have a high school, and I will say to you that this high school just received a six-year WASK recommendation, so it is considered an excellent high school. However, it has missed the AYP the last couple of years, and the reason is because of the participation rate. Just barely, it wasn't even very much, just a small percentage point.

And, if we had the flexibility it would encourage those families, and parents, and teachers, and staff members, to know that they were working toward an attainable goal. They are in the 5th year of the sanctions now. It is getting pretty rough over there, and the morale goes down. After you've been in something that long, it gets really tough to keep people motivated and moving.

And, that's part of the picture that we have to do, as well as the funding.

Ms. SCHOTT. I don't know why this came to my mind, but how would you decide how close was close enough? And where would that be decided? Would it just be participation rate? I mean, maybe it's sort of the danger of this status type accountability system, if there is a bar. If there isn't a bar, then, you know, or if the bar moves, you know, I'd want to know who is making that decision.

Chairman KILDEE. Thank you. I think you raise a valid question, because I don't know what the answer is either, and I'm glad to get this variety of ideas.

Dr. Gonzalez, do you have any comments?

Mr. GONZALEZ. The same thing was where we made our growth and met our goals in all areas except our special education, I think it was four years ago, and it was the same thing. We made everything, except we almost made it there, so where do you draw that almost, not enough, or how big that country mile is?

Chairman KILDEE. Okay, Ms. Blake.

Ms. BLAKE. In addressing your comment about a school that just misses the mark, and then a school that is consistently and deeply in trouble, I do believe that we absolutely need to make that distinction, and for schools that are truly struggling we need to provide support, not punishment, and not sanctions. Those schools are struggling many times because they are in high poverty areas, or they are dealing with a lot of special circumstances with students who have very special and specific learning needs.

So, we need to provide a system that can discriminate between a school that just barely missed it because of a participation rate and a school that is deeply embroiled in very serious learning struggles with their students.

The thing that needs to always be remembered is that the focus must stay on the student, and the student learning, and what support can we give to these schools, and these teachers, and the administrators, and the parents who are struggling to build a rich learning community, because right now we have teachers leaving the profession because we feel like our hands are tied.

We spend years and years getting degrees, and getting the expertise, and then we get into our classrooms ready to work, ready to roll up our sleeves and work, only to find out our hands have been tied by unrealistic goals.

We need to make these measurements attainable and achievable for our students over time, and that doesn't mean to say that they are never going to have an ultimate bar, but if the bar is up here, and my student can't speak English, or they come to me without prior education, or they come with special learning needs, we need to be able to establish a pattern of performance objectives that will allow the child to reach that goal and know they are not predestined to failure.

Chairman KILDEE. I appreciate the fact that we got somewhat varying and concurring responses to that from the richness of your own experiences. That's very helpful to me.

And now, I yield such time as she may consume to the Gentlelady from California.

Ms. WOOLSEY. I could just go on and on about this. This is so exciting, you've been wonderful. I just so appreciate you.

Well, nuance and flexibility, it all goes together, and for Ms. Schott's question, how do you decide, well, first of all, look where we are. We are in Marin and Sonoma Counties. What if we were in East LA? I mean, I can say that, nobody—we don't have anybody up here that would defend that. I mean, there are parts of this country, even in our own state, that are in so much trouble, and I still don't think they are in trouble because it's their own fault.

I believe it's because they need way more help than McDowell and Venetia needed, McDowell or McKinley in Petaluma.

When we first got started with this, and I was arguing with Chairman Miller about No Child Left Behind, and my district, Marin and Sonoma Counties, some of the best scores in the country, I was absolutely sure we didn't have a big gap.

And so, I called Dr. Wong in Sonoma, the Superintendent of Schools, and Mary Jane Burke here in Marin, and asked the direct question. My staff called them. Can the Congresswoman say, leave these schools that are doing so well alone, these school districts, because they are doing fine. And, both of them said, after they knew I wasn't going to put it all over the paper and get them in trouble, because that wasn't the intention, I just needed to know what I could argue from, they said, no, Congresswoman, even in our wonderful districts we have gaps, and, indeed, we have to do something about it.

So, when we talk about nuance and flexibility, it will be clear if we allow ourselves this flexibility, which schools and which systems are actually investing in bridging that gap. I don't think there will be anything subtle about that, and it will be clear which ones can't without just extreme help, not punishment. I think that we should be a long way from punishing schools that are working so hard to meet these challenges.

So, I have a couple of places I'd like to talk and ask you about. One is, Mr. Gonzalez, in your testimony you talked about what I call educating the whole student. So, talk about, if you will, how the system we've set up, if you see it, any of you, starting with you, Mr. Gonzalez, interfering with art, music, and geography, and civics, and history, I mean, when we get through with this we've got to have whole people out in our society.

Mr. GONZALEZ. And, we've had to emphasize so much on literacy, mathematics, and with the help of the literacy coaches and the state, or the district-mandated program, we put 8:30-10:30 every morning is sacred reading time, 11:00-12:00 is writing time, after lunch from 1:00-2:00 is math time, and then we have that last hour of the day which we are having to contract out YMCA for PE, local—for music and art and drama, but the teachers themselves are so focused on the literacy and the math that the science, social studies are taking a back seat. And, like you said, it's very important that we educate and have these well-rounded students, but our teachers are so overwhelmed with so much that's being asked of them that we are asking outside agencies for help.

And, we are very fortunate that we have those resources here. I know that in some districts and some school sites those resources aren't there, so that's something that, yes, we do struggle with, and we have to go outside of our school for help.

Ms. WOOLSEY. And, Mr. Tempes, maybe you could talk about this on the same question, could we bring, as one of our measurements besides testing, that, indeed, these different schools are doing a good job on these other programs?

Mr. TEMPES. Without a doubt. I mean, it's clear that NCLB inadvertently has resulted in a narrowing of the curriculum in ways that Pepe just described.

I'll give you a good example. In California, we do a physical fitness test, I guess it's the 5th and 7th grade every other year, those are standards, you know, and they are actually very practical real standards. We've got an epidemic, everybody knows about obesity and everything, we've got standards, nobody pays any attention to them. Nobody is held accountable for making any progress on those, not to mention music, art.

We'll see a jump now in science education, because science is being folded in, but, you know, the system has that consequence. And, the people that I talk to, my friends in education, are particularly worried about civics education.

Ms. WOOLSEY. Yes.

Mr. TEMPES. Who is going to be voting, who is going to be making these decisions? Pretty scary.

Ms. WOOLSEY. Yes. Before you, forgive me, I didn't say anything about PE, you know, for shame.

Mr. TEMPES. We have these measures in place now, we just need to use them.

Ms. WOOLSEY. Right, that's right.

Ms. LIDDELL. Those are very good points, and we have, both the secondary and elementary levels, we have the same critical elements going on that my colleagues have, where there's just not enough time in the day, or in the school year, to get everything in.

So, we do the best we can and be creative about our time. We bring in people for after school programs to try to boost our students in different areas, and we have certain music programs that occur after school outside the school day.

All of those take money. Within the school day, if we have a high school student who comes to us in, let's say, the 10th grade, and does not speak English, and has not had very much schooling in the past, we have ten years of education to impart on that person, and he's supposed to take the California high school exit exam right then, which is part of the AYP.

Ms. WOOLSEY. Well, and can I interrupt?

Ms. LIDDELL. Certainly.

Ms. WOOLSEY. He's also supposed to want to stay in school.

Ms. LIDDELL. Right.

Ms. WOOLSEY. And, he feels humiliated.

Ms. LIDDELL. Exactly right, and so, what we've learned to do now is to offer support programs, two periods of English and writing, and two periods of math and all of those kinds of things, but then you lose the time for the other elements in schooling.

Without more funding, without money to be able to add back in either time, or creative ways of doing things, our hands are tied.

Ms. SCHOTT. You alluded to the too-short day, it's a problem. When the California framework, the framework for English language arts was being released, recommends two and a half hours a day of language arts for students in 1st through 3rd grades, we run out of time around, I don't know, noon, there just isn't enough.

So, at McDowell we have taken the stance that reading research over the last 15 years tells us as kids leave 1st grade not reading at grade level they have a one in eight chance of ever reading at grade level. We've got to get those kids reading.

If we get kids reading and proficient in math by the time they go to their junior high or middle school experience, well, first of all, we are going to have some really happy teachers in our district at the 6th and 7th grade levels, and they are going to be able to take on the enrichment, and they won't be having to do the double periods of language!

Ms. WOOLSEY. Except for the new kids.

Ms. SCHOTT. Well, except for newbies, yes, you fold them in, but the kids who have been here forever, if we can get them into grade level reading, then the intermediate and secondary schools can take it from there and do the science, and the social studies, and all that fun stuff.

Ms. WOOLSEY. Melanie?

Ms. BLAKE. Thank you. I completely agree with my colleagues here at the table and the comments they've made about not enough time to teach, insufficient resources interfering with academics, two math periods and two English periods. All of that we are seeing happening in our classrooms.

I'd also like to point out one other critical thing that teachers are noticing in their classrooms, and that is, that with the culture of testing we are so busy teaching students what to think that we are losing the critical thinking that allows students to teach themselves, that allows students to teach each other, and that allows them to learn how to think for themselves.

We want to have educated citizens, and if we wait until high school to try to fold in geography, and civics, and economics, and critical thinking skills, and to become good citizens, and what it means to be a good citizen, we've waited too long, and that's the problem with front loading so much of just testing and these kind of academics. We need to be able to work on the whole child early on.

Ms. WOOLSEY. So, the Chairman has generously allowed me to ask another kind of question.

I want to talk about the impact of the testing and the labels that come along with it, the school labeled in improvement, and the idea of if a school is in improvement that students can immediately transfer to another school.

I shouldn't tell you what my thoughts are, but I really believe that that's backwards. I think we should have as much help for that school as possible for much longer than one year, and then, but you tell me, is it positive to leave the school and go to another school?

First of all, in Petaluma, where do they go?

So, respond to that, about, having the option, you go now, you go where?

Ms. SCHOTT. We've had fewer than five children leave our school in the three years that we've had to offer choice. They go, in the first year they went to McKinley, because McKinley wasn't in program improvement, and it's walkable. I mean—

Ms. WOOLSEY. Guess what? It is now.

Ms. SCHOTT. Oh, I know. So, now they are offered Valley Vista, but I'll give you an example. I took students from our school over to the School Board meeting, 6th graders, which is across town, past Valley Vista, and as we were driving into Petaluma one of the

students said to me, is this Santa Rosa? I mean, we were five minutes from my school.

And so, for us to tell parents who walk to our school currently, well, we are not—you know, we aren't doing a very good job so you can take your child over to Valley Vista, they don't even know where Valley Vista is, so they wouldn't send their kindergartner there.

So, we've had about five students leave. We are the fastest growing school in our district, and so what it tells me is that NCLB sanctions are less important than a place where parents like having their kids go to school.

That doesn't let us off the hook, we still need to be educating our kids, even if they aren't holding that as their highest standard.

Mr. TEMPEL. I would agree. I don't think there's—the people who are going to move their children to another school for academic reasons did this long before the school was designated as program improvement. And, I think it sends the wrong message that you are bad, and now we are going to take anybody who is interested enough to move their kids out of there, and that will only make the things more difficult.

It's system improvement, not system undermining, that we ought to be interested in.

Mr. GONZALEZ. The tone that you set the parents is, our school is not good enough, take your kid to where they are providing a better education, whereas, it's the opposite. I mean, those teachers are probably working just as hard, if not harder, than any other school district or school that isn't program improvement.

So, the one that you are sending to these parents is just really, really negative in general.

Ms. LIDDELL. Go ahead, I'll go last.

Ms. BLAKE. In Sonoma Valley, what we have seen is, for example, with El Verano Elementary School, they are now in fifth year of program improvement, and the parents, and the staff, and the children, have rallied around that school, and the community has rallied around that school, and it's a terrible notion to even think that that really powerful learning isn't going on in this elementary school. The children are making academic progress. It doesn't always show up in the AYP in the way they would like it to, but we can see those scores coming up every year for the students that come in and stay year after year.

And so, actually, we've kind of seen a funny reverse effect, where people have rallied around these schools and said, you aren't going to label us as a failing school. We know we aren't failing. We know our children are getting a good education.

And so, hopefully, we can build that kind of community to say, we don't have to live with that label. We don't have to be defined by this one test, this one year.

Ms. WOOLSEY. And, where would those kids go anyway? They would have to be bussed somewhere from El Verano.

Ms. BLAKE. That's correct, most of the other elementary schools are already impacted, and certainly there's another school up the road, that's Flowery, they are now also in program improvement, year one, and people are actually busing their children or driving their children into Flowery because they turned it into a dual im-

mersion school. And so, they are looking for creative ways to keep people connected to their schools and the learning.

Ms. LIDDELL. There have been so many good ideas, I hardly have anything to add, but I do think that when we send out the letters at the beginning of the year, it is heartbreaking for those schools to have to send that out, for the principals and the teachers. It is demoralizing for them to have to do that, and we do have very few students who actually transfer. We offer a few schools for them to transfer to, but we do not have a lot of takers.

Some of our schools who were labeled program improvement actually are some of the finest schools in our district, and they have shown the great growth that each year for the last five years that is really wonderful and powerful for people to see. And, we let the community know that.

So, it is useful in that way, but it is not useful as a tool at the beginning of the year to send out to the community.

Ms. WOOLSEY. Well, I thank you.

I just want to say a couple words before, the President—the President, don't we wish, before the Chairman summarizes.

But, when we first started this, I live in Petaluma, it became very clear to me I was playing a major role in education, and maybe I didn't know all that much about it, and it had been a long time, because my kids are in their 40s, and my grandchildren hadn't quite started school yet, because my oldest grandson is in the 1st grade now.

So, I asked to volunteer for a morning a week for a semester at McKinley School in Petaluma. I thought I'd pick the school closest to my house that actually had a diverse population.

And, when they nicely agreed, thinking I was doing something to get PR and press and all that, and when they realized, indeed, that wasn't why I was doing this it became, it was really nice.

I was only an hour on Monday, every Monday of the semester, and then I had to get on an airplane and go to D.C. I went to a different classroom for one hour each week, and I'm telling you, and I participated, I was a volunteer, I wasn't the Congresswoman standing around watching, I volunteered. These were the smartest kids, these were the greatest teachers, that was the most darling school I've ever been—I've ever seen, I mean, I go to them, but they give me the best of the best when I go.

One hour, and I have more energy than 95 percent of the people on earth, and everybody here can tell you that, and my staff, I was exhausted. The work that goes, and the energy, well, the last week I was there McKinley got their label of not measuring up, and I'm telling you, these teachers, the principal, they had tears in their eyes, and it was by just a barely percentage point. And, it was very clear to me then that you cannot have one standard and start labeling schools that are working with some of the hardest challenges we have.

So, I thank you for bringing this to us. We have another bite at the apple. We will be working together, and we will take everything you've said today into account.

So, thank you very much.

Chairman KILDEE. Thank you, and I follow through on some of your very good questions there.

Right now, we have at the end of the second year school choice, that's the effect, right, and at the end of the third year supplemental educational services. Now, this is maybe just—would it help at all, it's not a major change, if we flipped those two.

Ms. LIDDELL. It would be good to look at all that chart, and think it through again, and think through how the sanctions fold together, and how they can be supported, because they need—it takes at least five years to make the difference that needs to be made in a school.

Chairman KILDEE. Anyone else?

Ms. SCHOTT. I would only support anything having to do with supplemental educational services if that was a program that was revisited from the bottom up.

As I mentioned in my testimony, there's one provider within walking distance of my site. Online providers, I don't—I've been given information that we are supposed to check Interpol clearance on online providers, not just—because you can't get fingerprints, and they may not be in our country.

So, SES is a Medusa, it needs to be—well, and, the people who are providing the tutoring to our most impacted students are not as well trained as the people in their classrooms.

I just think that can't be effective.

Ms. WOOLSEY. Mr. Chairman, will you yield just a minute on that? That's one of the fixes that I've drafted, is that the SES programs have to live up to the same standards as the teachers and the districts. I mean, and how do we measure them? And, we don't.

Ms. SCHOTT. And, they cost a lot of money.

Mr. TEMPES. If I could just chime in with Mr. Kildee's question. You can do that if you want, it won't make any difference. Neither of these programs are big players in ed reform, and I agree with Liz Schott, you just ought to reexamine them and look for, the big word out of Washington is scientifically-based research. So, ask for the scientifically-based research on how those two are affecting students, student achievement.

Ms. LIDDELL. We had one provider on our list, and this is a true story, who was an acknowledged provider, came in to our reading office and asked for information on how to do it, because they didn't know how to do it, and didn't have the materials. We had the same thing.

This is really incredible, because that is, if you don't have the child or the older student, whoever is receiving the service, receiving the same type of service that they are getting in the school, it's not going to do them any good.

Ms. WOOLSEY. Or better.

Ms. LIDDELL. Or better, exactly.

Ms. WOOLSEY. Yes.

Ms. BLAKE. I would like a chance to respond also to that question.

In our school district, going back to El Verano, we had staff that encouraged parents to take advantage of that opportunity to seek outside assistance, and shortly later parents were coming back with complaints to the school district asking who monitors these people anyway, and how did they get licensed to provide this kind of follow-up support.

And so, even with that opportunity people overwhelmingly came back to the school for that additional report, which brings me to the need for funding for these kind of support systems in our own schools. We are the experts, we are trained to provide that, that's why we are called teachers. And, we need the opportunity to be able to provide that, but in order to do that we need multiple measures, and we need a fully-funded system that allows us to really intervene with research-based methodologies that we know will make a difference with our students.

Ms. LIDDELL. And, that don't stop after one year.

Ms. WOOLSEY. Well I should go there.

Chairman KILDEE. You never left there, you know.

Ms. WOOLSEY. Here we go again.

Chairman KILDEE. It was interesting, the term failing school doesn't appear in the law, and no matter how many times you say that, it does occur, though, doesn't it? You get that all the time, in Michigan, in Virginia, the term failing school has become part of the lexicon, even though it nowhere appears in the law. So, it's one of the things that is a reality that you have to face, probably more than just a public relations thing, too.

People say, well, that's just a public relations talk to editorial writers, and, you know, they'll understand, but the word failing school has come into the lexicon, and we really want to make this a better bill.

As I said, we'll probably keep the same basic structure, but that chart, you told us to look at our own chart, right, of the effects, consequences, penalties, whatever we want to call them, right, that certainly, you know, wasn't written—was written in Washington, D.C., right? We've learned a lot today.

California has so much to offer us, as you've been told so many times, in so many areas of your life you are like a country out here. Your economy is bigger than so many other countries. And, your educational system is, you know, one that's, it's a great educational system.

Every educational system has problems, but we've learned some things today, and people who really love education, and love kids, and we want to go back and see what we can do to help you carry out your job.

Ms. Blake, you mentioned, maybe I'm paraphrasing a bit, when I taught I taught at a school for ten years, I loved it, but creativity was a very important thing. And, very often when you are, you know, arranging, as you mentioned, Mr. Gonzalez, arranging your hours to make sure they get this, and this, that you really don't have much time for the creativity and some of the things that really are important for a person's growth.

As I say, we'll probably keep the same basic structure, but each one of those elements in that structure can have much more flexibility. And, as you mentioned, Dr. Gonzalez, that chart certainly was not written at Mt. Sinai, right?

Ms. LIDDELL. It needs to be looked at, you might want to consider having a group of educators work with the Committee on that, to look at it and give some input into what could be, and what flexibility means at the school site.

Chairman KILDEE. And, if you could do that, some have done that. Minnesota has got educators together, and they've sent in a list of some specific changes. Another group gave us something, and if you could, I mean, the five of you could sit down here probably, and come up with some idea on—because those consequences, effects, penalties, whatever we want to call them, we generally try to use the neutral term effects, right, of not reaching AYP, but again, you could help us on that.

And, I really appreciate, this has been an excellent panel, people who really are right there in the front line, and I very much appreciate it, and at this point I want to remind those who did not testify formally as witnesses that you may submit your testimony, and we will make sure it's printed in the written record, and you can submit that by a week, by May 4th, week from today, and you can get, I think Mr. Horwich has cards right here with his e-mail address on that, and we'll be happy to do that.

Again, I'm glad that, Lynn, you asked us to come out here, and all members, this is for the record here, have seven calendar days to submit additional remarks, and any member who wishes to submit follow-up questions, we may have some follow-up questions for the panel, should coordinate with the Majority staff within the requisite time.

And, without objection, this hearing is adjourned.

[Additional statements entered into the record by Ms. Woolsey follow:]

**Prepared Statement of Torri Chappell, Mother and Teacher**

Why No Child Left Behind Needs to be “Left Behind” and replaced with another plan that:

- focuses on LEARNING instead of TESTING,
- encourages teacher REFLECTION instead of BLIND COMPLIANCE,
- promotes professional COOPERATION instead of COMPETITION,
- results in INSPIRATION instead of PUNISHMENT AND FEAR.

I am encouraged that people are beginning to examine NCLB and engage in conversations about its future. I believe that it needs to be discarded and replaced by a plan that is created by reflective educators who are actively involved in teaching and inspiring young learners instead of publishers, politicians and researchers who do not have actual experience with children and how children learn in a REAL situations, not situations created for testing or research purposes. The well-being of the children needs to be at the forefront. The focus needs to be on learning NOT testing.

NCLB offers a culturally biased, narrowly defined view of success which relies solely on test scores to define success and only offers punitive measures to change situations that don't “measure up”. The focus on public display of API and AYP creates destructive competition in communities and legitimizes the unsound belief that a test score can accurately measure a child's understanding or learning, a teacher's competence, a principal's ability to lead and the overall success of a school. If the ADULTS in business and government were subjected to an annual test to measure if they were meeting standards and to determine their success, there would be an outcry of unfairness. Knowing this, how can anyone think that this is a sound approach with CHILDREN, children as young as 7 years old who still believe in Santa Clause and the Easter Bunny.

Standardized tests measure low level thinking. It is time we came up with a way to encourage and value higher level thinking. By focusing on ‘standards based testing’ to educate our children we are actually LOWERING our standards of what kind of thinking we value and hope the next generation is capable of.

“Weighing the pig doesn't make it grow.” \* \* \* “Testing the child, does not make him learn.” These high stakes tests do not inform the teachers or parents of what children do or do not understand. They are not allowed to see the tests after they have been scored. There is no way of knowing if the child missed a question because of careless error, language or lack of content understanding. The scores are not helpful in improving individuals' growth and learning.

Inspiring, excellent teachers are being driven out of the profession of teaching because NCLB does not respect teachers or children. This is affecting the fabric of our society and must be changed.

We need to develop an assessment system that:

- Informs teaching by determining understanding of ideas/concept not just the memorization of facts or the ability to find somebody else's 'right' answer.
- Includes useful feedback and a way to incorporate that feedback into future learning/teaching.
- Uses multiple measures.
- Uses examples of authentic student work not just fill in the bubble tests.
- Respects different kinds of learners/multiple intelligences.
- Is culturally unbiased.
- Encourages student self assessment.
- Measures on a scale of naive to sophisticated NOT right and wrong.

I hope that our Congress will have the good sense to respect children and teachers enough to get rid of NCLB and put in place a different system that will be focused more on learning on growth than fear and punishment. The future of our country depends on it.

"Everything that can be counted does not necessarily count; everything that counts cannot necessarily be counted." Albert Einstein

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**Prepared Statement of Lenard C. Greenwood, Teacher, Montgomery High School, Santa Rosa, CA**

To the Honorable Representative Dale Kildee: I would like to thank you Chairman Kildee, Congresswoman Woolsey and Members of the Subcommittee for the opportunity to be present at the Field Hearing and voice my Testimony on this crucial issue that affects us all. It was a genuine pleasure to attend and talk with you Sir.

Although this misnamed "No Child Left Behind" law has so many obvious problems that require serious attention before contemplating reauthorization, I will attempt to direct this testimony towards my personal teaching experiences. I have witnessed the methodic and irrational dismantling of Public Education since "NCLB" was forced into our school system.

As we spoke of, following the hearing, I have had the pleasure of teaching English, Theatre Arts, Creative Writing and now full time Photography at Montgomery High School for the past 20 years. Throughout the years, it has always been an increasingly difficult struggle to secure enough funding to offer most of these courses.

- At present, my district gives me \$150.00 a year to run five classes of Photography with over 165 students year round. Each of my other Fine Arts colleagues receives the same small funds for a full five-class load. Unbelievable-YES! But true.
- The Arts in California are under attack. 61% of all our schools here in California do not have one full time Arts instructor.
- 40 % of our schools lack any Music program. WHY? FUNDS!

The Arts, creativity, is the one beautiful essence of the human heart, soul and mind which sings to the world, "I'M ALIVE". As Art teachers, we open the minds of our students to allow creativity to grow, to be nourished, to be expressed upon a world stage that grows more and more violent and impoverished. The human soul does not grow by being drowned in Academics with no chance for the spirit to create and blossom.

In fact, it is The Arts, in all its form, with its magnetic draw to create that brings so many students to school. It is The Arts that open ones mind to the possibilities in the adventures of Math, Science, English and History. It is the blend of Arts and Academics that builds and molds the whole student. And, without The Arts, we are doomed to higher drop-out rates, falling test scores and a future of mindless adults who must only pacify themselves with their latest video games or television show.

Today's high-tech society has altered the Parent/Family engagement of yesterday and made it more challenging for students to stay focused with learning. But creativity doesn't have to disappear while technology takes its place. I believe it is of the utmost importance that we reinvest in Vocation Arts and Programs which open doors to our students to Sustainable Living Education and Real Life Courses that are meaningful. Students want and need to learn Real Life Skills that they can use in every day life. As we attempt to heal the Earth from decades of human abuse, our students need courses in Elementary and Secondary Education which address the impending issues they will be facing as adults entering into their inherited generation:

- Global Climate Change

- Alternative Energy and Production
- Organic Gardening and Agriculture
- Safe Food Production and Health
- Mass Transit and Pollution
- Sustainable Living and Green Building
- Fair World Trade and Labor
- Cross-Cultural Arts and Communication
- Global Collaboration for Peaceful Commerce
- Personal Money Management and Finance

These positive and essential education programs should be fully funded and mandatory in the Public School System along with The Arts. We must start thinking progressively and realistically with highest urgency toward Stewardship of our Planet Earth. We must not wait until students are of college age. We must open our student's minds to think critically and creatively.

We became teachers to help students learn, not to test them into the ground. Teaching to the test will not motivate teachers to come into the field or students to want to come to and stay in school. Students do not gain the essential skills they need in this ever-changing world by taking endless tests only for a Federal or Corporate scorecard. We must test and assess their progress by many different means, not by the current "one size fits all" method. Each school, each student, in every community is unique. Individual schools need more control and flexibility in what works best for their student population.

If we measure student learning by the overly simplistic "setting the bar at a certain level", then we miss all those special students who can run, throw, swim, hit and perform at even higher levels of assessment.

Therefore, I ask The Committee to listen to the teachers in the trenches, hear the hollow sounds of creativity draining from the young minds of today, and reevaluate the essential changes needed to properly execute the \$71 billion under funded "NCLB". Or better yet, go back to the ESEA drawing board with all the data the Committee has gathered around America, and fully implement and fund The Arts and Essential Real Life courses in our public schools. Priorities in our Country need restoration.

For years now from the students I hear the desire to learn more, to know what is important in this world they are inheriting. I see them losing their natural inventiveness, ingenuity and imagination; the void of creativity lost as apathy takes over. They crave to gain knowledge and discover their own skills that will shape their lives in a positive way. I see my fellow teachers frustrated, morally drained by the continuing attacks upon their unique abilities that they long to utilize, while their salary is whittled away and Health Insurance Premiums skyrocket and become an unfeasible financial burden. Dedicated teachers once honored and distinguished for their unique abilities and patience are being methodically reduced to automatons. Many are leaving their cherished profession largely due to "NCLB" and the Corporate undermining of our Public Education System.

I ask The Committee to give consideration to establishing a committee whose sole purpose is to Protect and Support The Arts in Public Schools.

Every child should have the opportunity to create, to build self-esteem and self-expression through The Arts. Since the drastic changes from the ESEA to the so called "NCLB" law, we have all lost this hugely valuable aspect of humanity in our Public Schools. We owe it to our youth to open every door possible to their creativity. We can only do this by fully funding The Arts Programs across America. And we can only be successful with implementing any aspect of any Federal Education Mandate by fully funding those laws.

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#### **Prepared Statement of Diane Phillips, Parent of Public School Children**

Dear Chairman Kildee and Congresswoman Woolsey: My name is Diane Phillips. I am a parent of two children in the California public school system. I am writing to you to register my concern about the No Child Left Behind (NCLB) legislation in response to the recent House Subcommittee session on education Friday April 27, 2007 at the Marin County Civic Center.

It is my opinion that the effects of NCLB on our public schools have so far been catastrophic. Our schools are now severely limited by NCLB's current punishment and reward approach to achievement and accountability. High-stakes tests overshadow all teaching and learning, turning our schools into joyless institutions.

Certainly there are poorly performing public schools, as well as poorly performing teachers, but these are problems to be dealt with on a case by case basis, not by a blanket law that blames educators and students.

While all children can learn, not everyone learns in the same fashion, or within a set time frame. Please consider the dramatic variances in school readiness, grade level skills and socio-economic status among children. None of these factors figure into the logic of NCLB. How is this law helping the hundreds of thousands of children who go to bed hungry, who lack healthcare and who do not come to school ready to learn?

The NCLB legislation removes teachers, students, parents and local communities from active involvement in what will be learned and how to measure growth and development. Unlike authoritarian countries, democracies believe in the capacity of ordinary individuals to direct the affairs of their communities, especially their schools. Democracy requires its members to participate in the political, social, cultural and economic institutions affecting their development.

It is my belief that there are so many inherent problems with NCLB that it must be eliminated, not re-authorized. What is needed instead is a legislation calling for greater local involvement in policy-making and implementation. Recognizing that there is no single approach that fits every learning context, I encourage local choice in deciding curriculums. While I respect the determination behind the prescription for universal success, it is not realistically achievable.

It is my hope that there will be further investigation of this legislation before Congress casts another vote.

Thank you for your time and concern.

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**Prepared Statement of Amy Valens, Retired Teacher, Lagunitas School District, San Geronimo School**

Dear Chairman Kildee and Congresswoman Woolsey: The testimony that we heard today was indicative of the amount of work we need to do to become a well-educated society. We have not even begun to define what we mean by well educated. We focus on two comparatively "easy" parts of the puzzle: English language literacy and mathematics. Because high stakes tests to assess levels of language literacy and math skills must by their nature look at these skills simplistically, teachers find themselves forced to address these subjects without the context of who they are teaching and why one would want to have these skills. We heard several speakers explain that in meeting these demands they must ignore or relegate to the fringes, other equally important areas of literacy, such as social studies, science, the arts, civics, social and emotional literacy, and even physical education. I wonder what the content of their lessons look like!

I recently attended the 2nd Cesar Chavez Education Conference at Fresno State University. Teachers using Reading First (lauded by several of your witnesses) talked about the terrific constraints placed upon them by this program, which expects a teacher to rigidly follow a script for success. What kind of success are we settling for? I hope you will seek testimony from Dr. Elaine Garan of Fresno State University about that! We may have schools that are meeting the goals of NCLB, that are in at least as much trouble as the ones that are not. If they are really spending, as at least two witnesses indicated, most of their day on memorization skills related to reading and math without time for higher-level thinking, experiential learning, socialization, and creativity, the students who succeed are being prepared for low-level jobs indeed. They are being given little chance of developing their imaginations: thinking capacities that we crucially need as a society. I was particularly dismayed by Principal Schott's remark that creativity could wait until fifth or sixth grade. I hope she is overstating her case, but I fear she is not. What a dreary world she wants to offer her young charges! What will the drop-out rate look like if this fashion, that I wince to call "teaching", is continued?

On a more positive note, I was impressed by the questions that each of you asked the panel. The areas you have identified are the crucial areas to address. On top of my personal experience, having taught since 1968 in a variety of settings from inner city schools in Dayton, Ohio to an alternative public school in semi rural California (I estimate that I have personally interacted at some depth with about 1,500 students), I have spent the last two years reading and listening extensively to the testimony of a wide range of educators. The key is that we all want children to succeed. The question is how do we measure success? No matter how tempting it is to look for a panacea, there is not one way to educate all children. So why do we think there is just one way to measure them?

It is not hard to find methods beyond standardized tests that will give accurate, less costly, more beneficial assessments of the ability of a school to provide a good education to its pupils. The science behind these other methods is at least as legitimate, being based on research in many domains that informs the best practices

taught in our schools of education. That there will be a degree of subjectivity in these other methods goes without saying. Standardized tests are also not without subjectivity, and David Foster, of the Noyce Foundation, offers compelling evidence that rising test scores correlate highly with learning how to take the particular test, not necessarily a generalized improvement.

We could use criteria developed by a panel of preeminent educators as the most valuable part of assessing our schools. Using these criteria, local evaluations could be carried out by qualified members of the community a school serves, in tandem with educators who do not have a stake in the individual schools they are observing. The results could be shared collegially, with follow through having the intent to improve, not punish. Testing, when applicable, could be specific to concerns expressed at the local level. Teachers would participate in setting goals for their specific students, and be able to access information obtained for their future teaching. To fund this, take away the huge amount going to high stakes testing, and put it into these human resources.

Barring changes of this magnitude, parents have every right to question the validity of one-size-fits-all high stakes testing, and opt their children out of those tests. Parents such as those in the school I just retired from, who have made a strong philosophical decision about how they want their children taught, refused in great numbers to have their children tested before NCLB entered the picture. These, and others like them, are not people being led down a path by administrators wanting to hide local conditions. They are conscientiously raising their children. If punishment were not part of NCLB's structure, no one would need to question the motives of such parents, who prefer to see their children's teachers teaching, instead of proctoring.

The bluntness of Annual Yearly Progress as a deciding factor was touched on by most of the witnesses. It becomes close to ludicrous in some situations. In small schools, such as mine, where there may be only 11 students of a particular grade level, one student's bad day, or another student's brilliant one will alter the picture entirely. This is equally true of API scores, whose publishing in the papers seems to serve the real estate community more than any other group.

I doubt that I have said anything that you have not heard before. But hopefully it helps to hear one more voice for truly raising all our children to become fruitful and creative members of society.

Thank you for your patience and your concern. I have included a list of experts whose testimony I hope you will seek before you decide how to "fix" NCLB.

Please consider:

DR. ELAINE GARAN, *Fresno State University*.  
 DR. DAVID FOSTER, *Noyce Foundation*.  
 DR. STEVE HART, *Fresno State University*.  
 DR. GLEN DEVOOGD, *Fresno State University*.  
 DR. MARK PHILLIPS, *San Francisco State College*.  
 DR. PAUL CROWLEY, *Sonoma State College*.  
 DR. MARYANN NICKEL, *Sonoma State College*.  
 DR. PHILLIP KOVACS, *University of Alabama, Huntsville*.  
 MS. SUSAN OHANIAN, *writer and educator*.  
 DR. PETER FARRUGGIO, *University of Texas Pan American*.  
 MS. SUSAN HARMAN, *CalCARE*.  
 MR. ROG LUCIDO, *Educators and Parents Against Testing*.  
 DR. GERALD BRACEY, *George Mason University and University of Arizona*.  
 DR. KEN GOODMAN, *University of Arizona*.  
 MS. YETTA GOODMAN, *University of Arizona*.  
 DR. RICHARD ALLINGTON, *University of Tennessee*.  
 DR. MONTY NEILL, *FairTest*.  
 DR. DAVID BERLINER, *University of Arizona*.  
 MR. RICHARD ROTHSTEIN, *Economic Policy Institute, and Harvard*.

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[Whereupon, the hearing was adjourned at 11:16 a.m.]

