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CLOSING THE ACHIEVEMENT GAP IN AMERICA'S SCHOOLS: THE NO CHILD LEFT BEHIND ACT

HEARING

BEFORE THE

COMMITTEE ON EDUCATION AND THE WORKFORCE U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

September 29, 2005

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CLOSING THE ACHIEVEMENT GAP IN AMERICA'S SCHOOLS: THE NO CHILD LEFT BEHIND ACT

Thursday, September 29, 2005
U.S. House of Representatives
Committee on Education and the Workforce
Washington, DC

The committee met, pursuant to notice, at 10:03 a.m., in room 2175, Rayburn House Office Building, Hon. John A. Boehner [chairman of the committee] presiding.

Present: Representatives Boehner, Petri, McKeon, Castle, Ehlers, Biggert, Tiberi, Osborne, Wilson, Kline, McMorris, Marchant, Price, Fortuno, Boustany, Foxx, Drake, Miller, Kildee, Owens, Payne, Scott, Woolsey, Hinojosa, McCarthy, Tierney, Kind, Kucinich, Holt, Mrs. Davis of California, McCollum, Mr. Davis of Illinois, Grijalva, Van Hollen, Bishop, and Barrow.

Staff present: Amanda Farris, Professional Staff Member; Richard Hoar, Professional Staff Member; Lucy House, Legislative Assistant; Kimberly Ketchel, Communications Staff Assistant; Sally Lovejoy, Director of Education and Human Resources Policy; Alexa Marrero, Deputy Communications Director; Emily Porter, Coalitions Director for Education Policy; Deborah L. Emerson Samantar, Committee Clerk/Intern Coordinator; Kevin Smith, Communications Director; Jo-Marie St. Martin, General Counsel; Rich Stombres, Assistant Director of Education and Human Resources Policy; Ellynne Bannon, Legislative Association/Education; Denise Forte, Legislative Associate/Education; Ruth Friedman, Legislative Association/Education; Lauren Gibbs, Legislative Associate/Education; Lloyd Horwich, Legislative Association/Education; Ricardo Martinez, Legislative Associate/Education; Joe Novotny, Legislation Assistant/Education; and Mark Zuckerman, Minority Staff Director.

Chairman BOEHNER. A quorum being present, the Committee on Education and Workforce will come to order.

We are holding this hearing this morning to hear testimony on "Closing the Achievement Gap in America's Schools: the No Child Left Behind Act."

Under the committee rules, opening statements are limited to the chairman and ranking member. Therefore, if other members have written opening statements, they will be included in the hearing record, and with that, I ask unanimous consent for the hearing

record to remain open for 14 days to allow member statements and other material referenced during this hearing this morning to be made part of the official hearing record. Without objection, so ordered.

Let me say good morning to all of you, and thank you for joining on the historic No Child Left Behind education reform initiative and its implementation.

I am pleased to welcome Education Secretary Margaret Spellings for her first opportunity to testify before the committee since being sworn in as the eighth Education Secretary of the United States.

We are welcoming Secretary Spellings for her first official testimony, but we are also welcoming her back to the committee. Two weeks ago, Secretary Spellings and Secretary of Labor Elaine Chao were here to brief members of the committee on the relief efforts underway for the victims of the hurricanes in the Gulf Coast region, and I would like to thank the Secretary for her willingness to brief both Republican and Democrat members of this committee, and for the ongoing efforts by the Department of Education to address the needs of students in schools impacted by these hurricanes, but today we are here to discuss the implementation of No Child Left Behind.

This is not a new topic for this committee. In fact, we have held a series of hearings since NCLB was signed into law by President Bush in January of 2002 to examine all facets of the law's implementation, and from local flexibility and new parental options to teacher equality and accountability, this committee has continued to examine how states and local schools are implementing this bipartisan initiative to close the education gap and the achievement gap in America's schools.

It has been nearly four years since NCLB was signed into law in Hamilton, Ohio, in my district. In that time, the law has precipitated a fundamental shift in America's education system.

We are seeing a culture of accountability take hold, one that is producing significant gains in student achievement, particularly among disadvantaged students who were once allowed to fall between the cracks.

In July, the results of the National Assessment of Educational Progress, known as the Nation's Report Card, showed the highest levels of student achievement in the history of the long-term trend analysis, and larger gains amongst minority students in the last five years than in the previous three decades.

No Child Left Behind called for the most sweeping education reforms in a decade, and so, it is no surprise that its implementation has seen a few bumps along the road. It is those bumps along the road, those challenges that have cropped up over time, that reinforce the importance of the law's inherent flexibility.

No Child Left Behind is not a rigid, one-size-fits-all approach to improving our schools. The law is grounded in flexibility and local control. No one has demonstrated that more effectively than Secretary Spellings.

Since enactment of NCLB, the Department of Education has provided significant flexibility to states and local communities to meet the goals of the law.

Flexibility has been provided for children with disabilities, children with limited English proficiency, highly qualified teachers, participation rates, and supplemental education services, and I welcome this flexibility, particularly because it has been provided to address specific challenges while maintaining the core principles of the law.

Flexibility must not be confused with weakening the law's demand that all children be given a high-quality education, and we will not compromise on that idea that no child should be left behind.

Today we will hear from Secretary Spellings on how states and schools are working to close the achievement gap, using the tools provided by NCLB. We will hear from the superintendent of the Richmond, Virginia, public school system to learn firsthand what is happening at the grassroots level, and we will hear from the director of The Education Trust, a group focused on improving academic achievement, to gain a perspective of an independent organization on how the implementation of NCLB is progressing.

I hope to learn more about what No Child Left Behind has done to transform our nation's schools. I also hope to begin asking questions about the future of No Child Left Behind, because when the law comes due for reauthorization, this committee should have in its possession the knowledge and insight that come with ongoing review.

We have not stopped asking questions about how the law is working and what it means for children, parents, teachers, and schools, and in the coming months, we will continue to examine the progress of No Child Left Behind and its implementation in order to begin to lay the ground work for the law's future reauthorization.

I want to thank Representative Miller for his continued commitment to the principles of No Child Left Behind. He and I don't always agree, but on this issue, I think I am proud—I don't think, I am proud to stand behind him unwavering in our belief that all children deserve a high-quality education, and I look forward to working with him today and in the future as we assess what No Child Left Behind has meant for our nation's schools and what possibilities lay ahead, and with that, I would like to yield to my friend from Michigan, the substitute ranking member today, Mr. Kildee.

[The prepared statement of Chairman Boehner follows:]

Prepared Statement of Hon. John A. Boehner, Chairman, Committee on Education and the Workforce

Good morning, and thank you all for joining us for this hearing on the historic No Child Left Behind education reform initiative and its implementation. I'm pleased to welcome Education Secretary Margaret Spellings for her first opportunity to testify before the Committee since being sworn in as the eighth Education Secretary of the United States.

We're welcoming Secretary Spellings for her first official testimony, but we're also welcoming her back to the Committee. Two weeks ago, Secretary Spellings joined Secretary of Labor Elaine Chao to brief members of this committee on the relief efforts underway for the victims of the hurricanes in the Gulf Coast region. I'd like to thank the Secretary for her willingness to brief both Republican and Democrat members of this committee, and for the ongoing efforts by the Department of Education to address the needs of the students and schools impacted by these hurricanes.

Today we're here to discuss implementation of the No Child Left Behind Act. This is not a new topic for this committee. In fact, we've held a series of hearings since NCLB was signed into law by President Bush in January 2002 to examine all facets of the law's implementation. From local flexibility and new parental options to teacher quality and accountability, this committee has continued to examine how states and local schools are implementing this bipartisan initiative to close the achievement gap in our nation's schools.

It has been nearly four years since NCLB was signed into law in Hamilton, Ohio. In that time, the law has precipitated a fundamental shift in America's educational system. We're seeing a culture of accountability take hold; one that is producing significant gains in student achievement, particularly among disadvantaged students who were once allowed to fall between the cracks. In July, the results of the National Assessment of Educational Progress (NAEP), known as "the Nation's Report Card," showed the highest levels of student achievement in the history of the long-term trends analysis, and larger gains among minority students in the last five years than in the previous three decades.

No Child Left Behind called for the most sweeping educational reforms in a decade, so it's no surprise that its implementation has seen a few bumps along the road. It is those bumps along the road, those challenges that have cropped up over time, that reinforce the importance of the law's inherent flexibility. No Child Left Behind is not a rigid, one-size-fits-all approach to improving our schools—the law is grounded in flexibility and local control. No one has demonstrated that more effectively than Secretary Spellings.

Since enactment of NCLB, the Department of Education has provided significant flexibility to states and local communities working to meet the goals of the law. Flexibility has been provided for children with disabilities, children with limited English proficiency, highly qualified teachers, participation rates, and supplemental educational services. I welcome this flexibility, particularly because it has been provided to address specific challenges while maintaining the core principles of the law. Flexibility must not be confused with weakening the law's demand that all children be given a high quality education. We will not compromise on the idea that no child should be left behind.

Today, we will hear from Secretary Spellings on how states and schools are working to close the achievement gap using the tools provided by NCLB. We'll hear from the superintendent of the Richmond, VA public school system to learn first hand what is happening at the grassroots level. And we'll hear from the Director of the Education Trust, a group focused on improving academic achievement, to gain the perspective of an independent organization on how the implementation of NCLB is progressing.

I hope to learn more about what No Child Left Behind has done to transform our nation's schools. I also hope to begin asking questions about the future of NCLB. When the law comes due for reauthorization, this committee will have in its possession the knowledge and insight that come with ongoing review. We have not stopped asking questions about how the law is working and what it means for children, parents, teachers, and schools. In the coming months, we will continue to examine the progress of NCLB implementation, and begin to lay the groundwork for the law's future.

I'd like to thank Rep. Miller for his continued commitment to the principles of NCLB. He and I don't always agree, but on this issue, I'm proud to stand beside him, unwavering in our belief that all children deserve a high quality education. I look forward to working with him today and in the future as we assess what No Child Left Behind has meant for our nation's schools and what possibilities lay ahead.

Mr. KILDEE. Thank you, Mr. Chairman.

Secretary Spellings, we appreciate you being here. I enjoyed sharing a cup of coffee with you this morning.

I was here when we established the Department of Education, so I have known every secretary since that time. I think it was a great idea to establish the department, and I want to commend you in coming aboard and looking at No Child Left Behind.

The bill, as we all know, was written on Capitol Hill, not Mount Sinai. So there are areas that we may have to go back and touch, but you have been able to, within the bill, show a certain sensi-

tivity on finding flexibility, and I think that is very, very important.

I think you have heard the voice from people out in the field there, and where you could find flexibility within the law, you have found that, and I think you have done it in a very sensitive and positive way, and I look forward to working with you.

Chairman BOEHNER. The Hon. Margaret Spellings was confirmed as our nation's eighth Secretary of Education on January 20th of this year.

During President George W. Bush's first term, she also served as assistant to the President for domestic policy, where she helped craft education policies, including No Child Left Behind.

Prior to arriving in Washington, Secretary Spellings worked for six years as Governor Bush's senior advisor with responsibility for developing and implementing the Governor's education policy.

She also served as the associate executive director for the Texas Association of School Boards.

Before the Secretary begins, I want to note that, while members may have many questions about the administration's response to Hurricanes Katrina and Rita, the focus of this hearing this morning is on the implementation of No Child Left Behind.

We had members together with the secretaries two weeks ago, and we had a little coffee upstairs for members, and I just want everyone to try to stay focused on the subject matter here today, and the Secretary has to leave us at approximately 11:15 this morning, and so, I want to make sure we get through as many members as possible.

So with that, Madam Secretary, it is all yours.

STATEMENT OF HON. MARGARET SPELLINGS, SECRETARY OF EDUCATION, U.S. DEPARTMENT OF EDUCATION

Secretary SPELLINGS. You are right, this is my first time to visit with you all in this setting, and I hope it won't be my last. I hope you will invite me back.

Thank you very much for having me this morning. I am grateful to you to be here.

I obviously have had the—during the last few weeks—the opportunity to visit the Gulf coast several times, and of course, we have all witnessed terrible destruction and heart-warming acts of generosity, and if you will indulge me, I want to say just a few words about that before we talk about No Child Left Behind.

I am gratified, of course, by the communities and schools all over the country, now 49 states and the District of Columbia, that have opened their hearts and their schools to displaced students, but of course, I'm not surprised—and I know you are not either—that America's educators are showing us all what a treasure they are.

After the pictures we have seen on television and the looks we have seen on children's faces, one thing I know for sure is that every single one of these children, and all of our children, deserve a high-quality education, or having what educators call a teachable moment, which you know is an opportunity to learn from and act on the moment that we are in, and Rita and Katrina are reminders to every single one of us that no child must be left behind.

That includes, of course, hundreds of thousands of children who are displaced from their homes and schools. Our goal at the Department of Education is to make sure these students get a quality education wherever they are. We know that school is a stabilizing influence for children and families who are working to rebuild their lives, and we are staying in close contact with educational leaders throughout the Gulf coast and around the country.

I am asking the Congress to waive some authority on statutory and regulatory requirements, except those related to civil rights or safety, that may slow down our ability to help students and school systems recover from this disaster.

I can talk a little bit about the waivers I have already granted.

You all, I know, are interested in flexibility, but there are areas where I will need additional authorities.

States and school districts are welcoming these students, and they will face, of course, unexpected costs this year.

To make sure they are adequately compensated, the President has proposed that Congress provide up to $7,500 per student in Federal funds over the current school year. Under this proposal, the department would increase our investment for one year from about 9 percent to 90 percent of a state's per-pupil expenditure.

We want to provide equal opportunity for every school that is welcoming these children, including public and private schools, and we must ensure that displaced students receive a quality education, and in many areas, private schools are enrolling children the public school systems simply cannot accommodate.

About 25 percent of students in the hardest-hit Louisiana communities attended private school, compared to roughly 10 percent average nationally, and we must not penalize parents who had already chosen private schools for their children or penalize any school of any kind for a commitment to students.

Today, I am announcing two actions that will give dramatically impacted schools and districts flexibility for one year only on certain aspects of adequate yearly progress. Let me stress that, under both options, every displaced student will be tested, and the results will be made public to ensure that every child gets the attention he or she needs and deserves.

Schools must welcome these children with both compassion and high expectations.

We believe the best way to accomplish this goal will be to allow those schools and districts to report the results for hurricane-displaced students as a separate student subgroup or group of students, as we do throughout No Child Left Behind.

Using their good judgment and criteria I will release today, states that were seriously affected by this tragedy may also exercise the delay provisions that currently exist as part of No Child Left Behind without seeking a waiver from the department.

These provisions could temporarily delay certain schools and districts from moving forward in the school improvement time-line, even if they do not make annual yearly progress, for this school year only.

As you know, when I came into office, I pledged to implement No Child Left Behind in a sensible, workable way, but we must not compromise on what I call the bright line principles of the law: an-

nual assessment, disaggregation of data, and closing the achievement gap by 2014.

Thanks to our nation's latest education report card, as you mentioned, Mr. Chairman, we now have proof that high standards and accountability are paying off. Scores are at all-time highs for African-American and Hispanic students, especially in the early grades. We have made—and I want to linger on this for a second—more progress in the last five years than the previous 30 years combined on our nation's report card.

This test was created in the early '70s, 1971 and 1973, in math and reading, and we have seen the same amount of progress between 1999 and 2004 as we did in the entire previous history of the report card. Clearly, we are on the right track. The law is working.

At the same time, I have been listening to the concerns of parents, educators, and policy makers closest to our students.

As you know and as you said, I have worked in education policy at the state, local, and now the national level for more than 20 years, and I have respect for the issues we wrestle with at each of these levels.

Nobody I know has ever passed a perfect law, except for you, Mr. Chairman. Implementing public policy, as we all know, is very much an organic process, and it is right and righteous for us to learn from our experience as we move forward.

For example, in the 2003-2004 school year, about 2 million students across the country were eligible for free high-quality tutoring or supplemental services. Unfortunately, only about 10 to 20 percent of those actually received the services. We needed a new approach. So the department worked with people on the front lines to come up with one.

I recently announced a series of pilot agreements that will make it easier for certain districts, like Chicago, to provide free tutoring even if they haven't been identified as needing improvement, as many school districts do.

In return for this flexibility, the districts will ensure that more children receive the services from the provider their parents feel comfortable with and families have more choices, more conveniently located, and more opportunities to enroll and access those services.

My hope is that increased flexibility will lead to increased participation in after-school tutoring and increased achievement for children.

After testing some theories with this pilot, we will have a better recipe for students' success, and you will have more information as we had into reauthorization.

The department has also taken a number of steps in response to the educational community's concerns and policy maker's concerns across the country, including convening a working group that explores appropriate and meaningful approaches to measure the progress of children who have not grown up speaking English and working with states that want to develop more appropriate modified tests for students with disabilities who need additional time and intensive instruction to reach grade level.

We are also considering the notion of a growth model, where schools get credit for progress over time, but I must be clear about that.

To have a sound growth model system, we must have annual data, and students in every subgroup must be closing the achievement gap.

No Child Left Behind is provoking a lot of discussion about how we can best help the most students, particularly our neediest students. We are learning from our experiences and from the research as it develops. Our ongoing conversations about remaining issues are right and appropriate.

If this act had not become law, I am not sure we would be having these conversations about some of the implementational issues that are before us. Before No Child Left Behind, students were too often shuffled from grade to grade without knowing how to read or do math.

It is right and righteous that the law focused on those two key areas, and the next step is to take high standards and accountability, these principles that are working, into our high schools. If the hurricanes show us anything, they show how vulnerable we are.

As the international playing field gets flatter, American students need better education and training to compete.

In our global economy, more than 80 percent of the fastest growing jobs will require education or training beyond high school.

Unfortunately, five out of 10 minority students and three out of 10 overall don't finish high school on time.

The one million students who drop out of high school each year cost our nation more than $260 billion in lost wages, lost taxes, and lost productivity over their lifetimes.

In Federal dollars, that will buy you 10 years of research at the National Institutes of Health.

Business, political, and education leaders are regularly sounding the alarm.

When we lose a million students a year, it is a tremendous impact on our economy, but it also represents the American dream denied for many, many people.

High school reform is not just an education issue. It is an economic issue, a civic issue, a social issue, and a national security issue, and of course, it is all of our issue. America's report card has shown no progress for high school students in 30 years.

We must focus on more rigor, particularly in reading, math, and science, to help more of our students reach the finish line on time and ready for college or work. Progress for older students begins with high standards and accountability.

With No Child Left Behind, President Bush and, of course, all of you in the Congress led our national to an historic commitment to give every child a quality education. We looked ourselves in the mirror and said we would close the achievement gap by 2014 across the board. It is our mission and the right thing to do. Our children and country deserve no less.

Thank you, Mr. Chairman, for the opportunity to be here. I will be glad to answer any questions you may have.

[The prepared statement of Secretary Margaret Spellings follows:]

Prepared Statement of Hon. Margaret Spellings, Secretary, U.S. Department of Education

Mr. Chairman and Members of the Committee, thank you for this opportunity to meet with you. During the last few weeks I've made several visits to the Gulf Coast. We've all witnessed both terrible destruction and heart-warming acts of generosity. I am gratified by the communities and schools that are opening their doors—and their hearts—to displaced students. But I'm not surprised; educators are simply showing America once again what a treasure they truly are.

After the pictures we've all seen on television, and the looks on these children's faces, one thing I know for sure is that these young people need and deserve a quality education. In fact, we're having what educators call "a teachable moment"—an opportunity to learn from * * * and act on * * * the moment we're in. Katrina and Rita are reminders to all of us that every single one of our children must be given the opportunity to learn and the chance to share in the American dream.

That includes hundreds of thousands of children who were displaced from their homes and schools. Our goal at the Department of Education is to make sure these students get a quality education wherever they are. We know that school is a stabilizing influence for both children and families who are working to rebuild their lives. We are staying in close contact with educational leaders throughout the Gulf Coast region, and I have asked Congress for authority to waive statutory or regulatory requirements—except those related to civil rights or safety—that may slow down our ability to help students and school systems recover from this disaster.

The states and school districts that are welcoming these students will face unexpected costs this year. To make sure they are adequately compensated, the President has proposed that Congress provide up to $7,500 per student in federal funds over the current school year. Under this proposal, the Department would increase our investment from about 9 percent to 90 percent of a state's per-pupil expenditure for one year only.

We want to provide equal opportunity for every school that is welcoming these children-including public and private schools. We must ensure that displaced students receive a quality education, and in many areas, private schools are enrolling children the public school systems simple cannot accommodate.

About 25 percent of students in the hardest-hit Louisiana communities attended private school. That's compared to our national average of roughly 10 percent. We must not penalize the parents who had already chosen private schools for their children. And we must not penalize any school of any kind for its commitment to these students.

Today I am announcing two actions that will give dramatically impacted schools and districts flexibility for one year only on certain aspects of adequate yearly progress. Let me stress that under both options, every displaced student will be tested, and the results will be made public to ensure that every child gets the attention he or she needs and deserves. Schools must welcome these children with both compassion and high expectations.

We believe the best way to accomplish this goal will be to allow those schools and districts to report the results for hurricane-displaced students as a separate subgroup, or group of students. Using their good judgment and criteria I released today, states that were seriously affected by this tragedy may also exercise the delay provisions of the No Child Left Behind Act without seeking a waiver from the Department. These provisions would temporarily delay certain schools and districts from moving forward in the school improvement timeline, even if they do not make annual yearly progress.

As you know, when I came into office, I pledged to implement No Child Left Behind in a sensible, workable way. But we must not compromise on the "bright line" principles of the law-annual assessment, disaggregating data, and closing the achievement gap by 2014. Thanks to our Nation's latest education report card, we now have proof that high standards and accountability are paying off. Scores are at all-time highs for African-American and Hispanic students, especially in the early grades. We've made more progress in the last 5 years than in the previous 30 combined.

Clearly, we are on the right track. The law is working. At the same time, I have been listening to the concerns of parents, educators, and policymakers closest to our students. As you may know, I have worked in education policy at state, local, and now the national level for more than 20 years, and I have respect for the issues we

wrestle with at each of those levels. Nobody I know has ever passed a perfect law. Implementing public policy is an organic process.

For example, in the 2003-04 school year, about two million students across our country were eligible for free, high-quality tutoring. Unfortunately, only about 10-20 percent of them actually received the services. We needed a new approach, so the Department worked with people on the front lines to come up with one.

I recently announced a series of pilot agreements that will make it easier for certain districts, like Chicago, to provide free tutoring—even if they have been identified as "needing improvement," as many school districts are. In return for this flexibility, the districts will ensure that more children receive services—from the provider their parents feel most comfortable with. And families will have more choices, more convenient locations, and more opportunities to enroll.

My hope is that increased flexibility will lead to increased participation in after-school tutoring and increased achievement for children. After testing some theories with this pilot, we will have a better recipe for student success.

The Department has also taken a number of other steps in response to the educational community's concerns, including:

* convening a special working group that is exploring appropriate and meaningful approaches to measure the progress of children who have not grown up speaking English, and

* working with States that want to develop more appropriate "modified tests" for students with disabilities who may need additional time and intensive instruction to reach grade level.

* We are also considering the notion of a growth model, where schools would get credit for progress over time. But I must be clear—to have a sound growth model system, you must have annual data, and students in every subgroup must be closing the achievement gap.

No Child Left Behind is provoking a lot of discussion about how we can best help the most students. We are learning from our experiences and from the research as it develops. Our ongoing conversations about remaining issues are right and appropriate. If this Act had not become law, I'm not sure we would be having these conversations.

Before No Child Left Behind, students were too often shuffled from grade to grade without knowing how to read or do math. It's right and righteous that the law focused on those two key areas. The next step is to take high standards and accountability into our high schools.

If the hurricanes show us anything, they show how vulnerable we are. As the international playing field gets flatter, American students need better education and training to compete. In our global economy, more than 80 percent of the fastest-growing jobs will require education or training beyond high school. Unfortunately, 5 out of 10 minority students—and 3 out of 10 overall—don't even finish high school on time!

The 1 million students who drop out of high school each year cost our nation more than $260 billion dollars * * * That's in lost wages, lost taxes, and lost productivity over their lifetimes. In federal dollars, that will buy you 10 years of research at the National Institutes of Health.

Business, political, and education leaders are regularly sounding the alarm. When we lose a million students every year * * * that's a tremendous impact on our economy. And it represents the American Dream * * * denied.

High school reform is not just an "education issue." It's an economic issue, a civic issue, a social issue, and a national security issue. And * * * it's everybody's issue.

America's report card has shown no progress for high school students in 30 years. We must focus on more rigor—particularly in reading, math, and science—to help more of our students reach the finish line on time, and ready for college or work. Progress for older students begins with high standards and accountability.

With No Child Left Behind, President Bush and you in the Congress led our nation in an historic commitment to give every child a quality education. We looked ourselves in the mirror and said we would close the achievement gap by 2014 * * * across the board.

It's our mission, and it's also the right thing to do. Our children and our country deserve no less.

Chairman BOEHNER. Madam Secretary, thank you for your testimony, and we really do appreciate the fact that you are here this morning.

I certainly think that we are on track and moving in the right direction, and let me illustrate a point that you mentioned about the needs of our economy in the future, but let me begin with where we have been.

In 1960, about 20 percent of our workforce needed education and/or skills. Our economy required that about 20 percent of our workers needed education and/or skills, and our education system was good enough.

Today, about 60 percent of our needs in the economy—about 60 percent of our workers need education/skills. Unfortunately, our education system isn't providing the even 60 percent of the workforce that is needed today. That is why there are some three or four million jobs in America that are going begging today, because American companies can't find people with the skills and/or education in order to fill those jobs. We are not very far away from the number the Secretary pointed out.

By 2020, 80 percent of our workers in this country are going to need an education and/or skills in order to compete in the worldwide economy that we find ourselves in, and while I am clearly concerned about our economy, clearly concerns about making sure that our students and our citizens have the skills they need, there is something even more important here, and that is that, as our society, every person ought to have the ability and the right to grow as much as they can in terms of growing their own human dignity, and you know, there has been a lot of talk about rights, and I think you have heard me and Mr. Miller and others describe education as the new civil right of the 21st century, and so, I am—as you can tell, I get pretty wound up about this, and so, while No Child Left Behind is not perfect, Madam Secretary, one of the most difficult parts of it is the whole idea of adequate yearly progress and getting to 100-percent proficiency by 2014, and a lot of educators around the country, parents, others, have stopped me and said, well, this is just not realistic, and I have told them that clearly this is our goal.

Well, we can never get to 100 percent. I said, well, what do you want us to write into law? Ninety-five percent? You can throw 5 percent of your kids overboard. They don't count.

So one of the most challenging aspects of future reauthorization is going to be how do we better quantify, how do we better define what it is we are expecting, and I have talked to a lot of states about the growth model.

I think there is some merit in the growth model, but it has got to be pegged to something, and so, showing growth from year to year, the same kids, clearly makes more sense than comparing this group of fourth graders to last year's fourth graders, but pegged to what, and I know that you have been working on this and you have been talking to educators like we have.

What are your thoughts about AYP and 100-percent proficiency and how we might deal with this?

Secretary SPELLINGS. Well, I completely agree with you about both the 100-percent expectation, all children, with very few exceptions to that with respect to the most severely and profoundly handicapped students, of course, as well as having it pegged to some point in time, and I think what is implied here, then, is the

need to accelerate instruction, that we must make more progress some years than others, or to accelerate our instruction into that goal.

So I think that is going to take more time on task, as educators talk about it. This is what supplemental services are about.

This is what some of the most effective schools and most effective charter schools do, they work harder, and some students are going to take longer to get to proficiency levels, and we need to find ways for more strategic intervention, more time on task, potentially, as we have done with supplemental services—that is what that is all about, essentially—so that we can get to the goal line, but you know, it is one of the things that I am most concerned about when I hear the press talk about it, educators.

You know, I hope that the teacher who is standing in front of my child today believes that she is one of the kids that can achieve on grade level.

The President says it is not too much to ask students to achieve on grade level, by state standards, locally determined and measured, aligned to the curriculum. That really is not too much to ask of our country and of our children.

Chairman BOEHNER. If I can make one more comment before my time is expired, the concern about what is happening in our high schools—clearly, I and other members and other people share the concerns about what is happening in our high schools and the fact that we are losing well over a million students every year, but I am one of those who believes that we don't lose them in high school.

We lose them when they don't get early childhood development. We lose them in grades one through three, when the fire of learning isn't lit, and we have had some slight disagreement over how to proceed when it comes to high schools.

All of us want our high schools to improve, but I do believe that our focus on the early grades, the Head Start reauthorization we moved through the House last year, and the fact that these early grade scores in the NAPE test are, in fact, showing significant results, will certainly help us as we begin to look at how to address the high school problem, and while I want more rigor, while I want more time on task, I don't want to get in the position where we have so overly burdened our schools so quickly that people just give up and walk away, and this is a real balancing act that I think that we are all going to have to continue to deal with in the coming years, and with that, let me yield to my friend and colleague, who I said a lot of nice things about earlier, but you weren't here, Mr. Miller.

Mr. MILLER. Darn. That is kind of rare. Thank you. Thank you, Mr. Chairman. I was fascinated listening to your comments. I was pleased to learn, I guess I should say, that the critics of No Child Left Behind are equal opportunity critics. We are hearing the same thing on both sides of the aisle.

Thank you, Madam Secretary, for being here, and thank you for your support of this legislation. I agree with you.

I think we are seeing improvements and benefits to our children, I think to their families, also, as their children start to succeed and achieve proficiency that make this all well worth it.

You raised an awful lot of things in your—topics in your testimony.

So if I could just touch on a couple, we are coming up against a deadline on highly qualified teachers, and I have had some discussions with the department, and I appreciate that. I think that we have got to handle that right.

I don't know what that means, but I think we have got to do it right, because I think, clearly, the cornerstone of this legislation is that we will, at some point, sooner than later, have a highly qualified teacher in front of all of our children.

The data suggests that if our children get that opportunity several years in a row, they perform and get the benefits of those skilled and talented people teaching them, and we have got to make sure that the states are doing everything they possibly can in improving that ability, both for veteran teachers and for new teachers.

You mentioned the growth model. I have sent you a letter. I have some concerns.

My state has proposed a growth model. My fear is that you grow to nowhere, you are always growing, but you never arrive, and I think it is important that we have a growth model where children do arrive at proficiency, and I appreciate—and we have all heard the concerns about teachers who really do quite remarkable jobs in terms of getting growth out of students who are behind and moving them along, and I can understand the desire to get credit, if you will, or have that factored in, and I appreciate that you have formed a group to look at that, but it has to be growth with a destination.

If there is no destination—if I look at the California model, I think there is an opportunity to leave a huge number of children behind and out of sight. That is where we were before this legislation, and I do not want to return there.

I am also—you mentioned—and I appreciate your working out with Chicago—I had an opportunity to go out and meet with them during the controversy on supplemental services, and I hope that does work. I think we want to expand this.

This was a calculated decision by the conferees and by the committees to bring some entrepreneurs into this field to provide these services.

I also think it is very important—we have got to decide that there has got to be a fiscal management in place here. There are a lot of people running around offering supplemental services.

There is a considerable amount of money available on the street, and these are very precious dollars, and whether the state is going to be responsible or the district, somebody has got to be responsible to make sure that we are, in fact, purchasing those services that are most likely to help, and I know, you know, we are supposed to be based in some records of success, but I have a concern that we undermine supplemental services by not paying attention to the management, the fiscal management of those programs.

I appreciate the flexibility you have provided with respect to disabled students and the concerns that was raised in school districts.

I also want to echo a concern—I am worried that some districts are interpreting that as a flat-out exemption, and therefore, they really don't have an obligation to these children.

That certainly cannot be the intent of those efforts to try to help those school districts and better focus the resources on those children with disabilities. So I hope that we would take a very close look at that effort.

I would also say that with respect to the flexibility provided small schools, that I don't want to lose those schools being accountable for those children and their progress.

I wasn't here in your comments, but my understanding is, if a special subgroup is created for the hurricane children who are dislocated, that they will be tested, that they will be part of that process.

They are not going to be exempted from this process. School districts aren't going to be able to park these kids and not pay attention to them.

They are going to be accountable, not necessarily in meeting—but they will be accountable to those children and to their families, as I understand what you have put forward here.

Finally, let me just say I continue to be concerned, as I travel this country and meet with school officials and individual schools—I am concerned about the funding. I think it is being better documented on what schools need to do these things, to do them right, to make these reforms, to put the talent in place, and I think we really have got to decide to make the next tranche of investment in this program for these districts.

I think a lot of these problems would be taken care of if they had additional resources. I am concerned that we are starting to see Title 1 schools whose actual funding is now being reduced both for recalculation and both just because of a lack of money. I am concerned that the funding for this year is not even keeping up with inflation. I know we have put a lot of new money in here, but I think we are starting to see pretty sound evidence that this is now an important decision for the administration and for Congress to make. And so, those are some comments in response to what you said.

I think that we—the commitment to this legislation is growing.

I think as people start to see the results, we start to see the results in what we would have said five years ago are the most difficult schools in some cities and rural areas, these children do have that opportunity.

I don't know if we are going to have 100-percent proficient or not, but I have an awful lot of trouble with districts who have 15 and 16 percent proficient and are worried about 100 percent.

You know, just—why don't we try to get to 25 and 30 percent and then come see me? Come see me when you are at 85 and you have really got a problem, you know, and I don't make light of that.

The fact of the matter is we are starting to see now models of acceleration that other schools better start paying attention to, because many of the excuses are evaporating all around the country with respect to these children.

One final point, is I would hope that you would look at legislation that I have introduced on high schools, where we would

match—the Federal Government would match the money put up by foundations and the governors for their proposals to try to expand that. I think they have put in place a good set of standards.

They would build some models, expand some of the models that are working, and then perhaps we could come in and start to take a look at that over the next couple of years, so that we don't just sit down on top of them a model from here that may not work, and I think that by creating this sort of public-private partnership with the philanthropic community, insisting on the quality, so when they invest their money, and the governors who now, I think, have created a lot of energy among other governors who were very skeptical of this, perhaps there is a chance, with a modest investment, to really expand that proposal.

There is a lot of support among the governors for that legislation and within the philanthropic community. They believe that with us being a partner, they would attract many more private dollars to that effort. So, I would hope that we could look at that as maybe a bridge to where we want to go, and make sure that the locals are full partners in this one this time. Thank you very much.

Secretary SPELLINGS. Thank you.

Chairman BOEHNER. The Chair recognizes the gentleman from California, Mr. McKeon.

Mr. MCKEON. Thank you, Mr. Chairman.

Madam Secretary, I join with my colleagues in welcoming you here, and thank you for being here.

Just a couple of anecdotal comments.

When I was a young man, I had a sales manager that taught me that the only constant in life is change, and human nature fights that change.

Years ago, I had a friend who was a high school principal in the L.A. city school districts, and he said they had just completed a study, and they found that, from the time that somebody conceived an idea in the district, until it was fully implemented throughout the district, took 25 years.

I don't know how many children they lose along the way waiting to catch up with things in that 25 years, but I think that human nature is one of the problems we have had with No Child Left Behind. I think human nature tells us, when somebody proposes change, the first thing you do is sit back and say are they really serious. Let's just wait and see. We will wait. You know, they are going to be gone in four years. We will see what happens.

The next thing is, after they have decided that they are really serious about change, then they start saying, well, what are all the problems with the change. You know, why can't we make this change?

Then, finally, I think it clicks in, you know, change probably wouldn't be all bad, maybe we should get with the change, and I think we have seen all these steps as we have gone through this process, and I think with your—I think the previous secretary had the job of making people understand that we were serious about change, and then I think you have been able to come in with the idea, well, yeah, now that everybody understands we are serious about change, we are not going to drop this, we are going to be somewhat flexible in how we achieve it, so that—as was stated, all

legislation is not perfect, and we find when we write the legislation, that regulations get written, and then, finally, everybody starts conforming with those. We see, well, this is a problem, we can tweak this here; this is a problem, we can tweak this here; but we keep the overall goal in mind of no child left behind.

I have a grandson who has a reading problem.

Now, he has two older sisters that are very bright, that come from the other side of the family. We are not all that bright on our side, but my son-in-law is very bright, and his family is, and the two oldest daughters are doing very well in school. The next boy came along and had a lot of sickness his first couple of years, and he missed some things, but he kept getting promoted.

His next sister coming along already reads better than he does, and you know, problems come from that, and then, he is starting the fourth grade this year and can't read, and so, they put him into some special programs, and we spend extra money on that, and now he is developing behavioral problems.

This is all just within the family here. I can tell you this, because personally I understand, and I see some serious problems, and I think what the chairman said about high school dropouts start at a young age—I see the frustration in this young boy because he can't read. He sees his younger sister can read, and he starts thinking I am stupid, I can't learn.

Why is he going to want to sit there all through junior high and high school and have this reinforced that he is dumb?

We, fortunately, have found some intervention, and he is now getting some special help, and he is learning to read, and he will be all caught up to grade within the next few months because of some very good, caring, understanding teachers and people that have the ability to help, but I think there is millions of kids like this, and I think that is why we needed No Child Left Behind. I think that is why we needed some of the reforms in IDEA.

That is my little anecdotes.

Now, we have had, as you know, critics of No Child Left Behind.

How would you respond—what is the department doing to ensure that the ongoing implementation runs smoothly and we keep the overall goals in mind of not letting any child—not leaving them behind?

Secretary SPELLINGS. Well, you know, in this common sense approach, clearly it is important that we, you know, focus on results.

Obviously, process is important, no doubt about it, particularly as we reach trigger dates like Congressman Miller was flagging with the highly qualified teacher provisions, but I do think we need to keep our eye on the ball. Are people making progress and on course to reach proficiency in various subgroups by 2014?

So I think it is a balancing act of staying true to the principles, as well as, you know, being reasonable about various legitimate issues that we can learn from. I mean obviously I agree with you. I think we have gone through the phases of No Child Left Behind. We are now into acceptance, if you will, and I see it around the country.

I see people now think No Child Left Behind can be my friend, data-driven decision-making, where they know more precisely and more specifically who needs help.

Your grandson—I mean without accountability and data and measurement, you know, he might have just been moved through.

He might have been placed in special education, we see that a lot. And then, you know, sort of forgotten, off the books, and so on. And so, I think, we have turned the corner on the merit of data, nothing sells like success.

With these new results that we have gotten on our report card, I think that has helped a lot, no doubt about it.

Mr. MCKEON. Thank you.

Secretary SPELLINGS. Thank you.

Mr. CASTLE [presiding]. Thank you, Mr. McKeon.

Mr. Kildee is recognized.

Mr. KILDEE. Thank you, Mr. Chairman.

Madam Secretary, again, welcome before the committee.

George Miller, when I first came here, we were talking about teacher quality and certainly made a convert out of me, a former teacher.

Teachers right now—their qualifications can be determined by state certification, by having a B.A. degree or higher, or demonstrating knowledge in the subject field in which they teach, and among the alternative methods is a method called HOUSSE, High Objective Uniform State Standard of Evaluation. How is your department monitoring these alternative methods, particularly HOUSSE, in the various states?

Secretary SPELLINGS. Thank you for that question.

First, I want to say, on HQT, we have made progress in states, no doubt about it.

Nearly every state—I think all but two or three—have the competency testing that is required as part of No Child Left Behind to determine subject mastery, and that is in place.

The HOUSSE process was a way to accommodate, deal with, understand, review current—the current teaching force, and nearly every state has that provision in place. How are we going to deal with people who were teaching in a rural area physics, chemistry, and biology, and yet only certified in chemistry, for example, I mean all the kind of realities of that.

As we head into this compliance state of 2005-6, end of the school year, this will give us an opportunity to review the quality of those plans, the good actors, if you will, versus the not so good. One of the things I am really going to look at is, one of the dirty little secrets in education. As we all know, is that some of our finest, most experienced, most effective educators, work their way to the least challenging educational environments, and conversely, some of our least experienced teachers are in our most challenging environments. I think we need to shine a light on that. I think we need to make sure that highly qualified teachers are first in our most challenging places.

It is going to be difficult for us to reach these proficiency standards without, the best personnel in those environments.

So this is a great time for us to review the HOUSSE process, as well as the actions that states have taken to comply with this trigger.

Mr. KILDEE. You put your finger correctly on the problem.

In the hearings we have had throughout the country, you had asked how many of your teachers are not qualified, either by certification or for other reasons, and they would give a number. I would ask where are they concentrated? Usually it was the poorest school districts in the state. That is really sad, and I know, myself, personally, that very often, under the pressure of finances, that a superintendent or a principal will assign a teacher to a class for which that teacher, you know, is really not trained. It is not the teacher's fault, they are assigned there, and the principal becomes—has become—we are improving on that. No Child Left Behind is helping us improve on that, but very often it was stay three paces ahead of the kids and catch me if you can, right?

They were not really qualified, and I think that, while we want to be concerned about teachers who felt they were being threatened in areas where they really were qualified. Because they technically did not reach the standards, we also want to be concerned about the needs of those students. I think, so far, watching you, you have provided a good balance. But I think we should continue to monitor, especially, the HOUSSE provisions.

Secretary SPELLINGS. No doubt about it.

Mr. KILDEE. Thank you very much, Madam Secretary.

Mr. CASTLE. Thank you, Mr. Kildee.

I will yield to myself. I am next in line, by the way, just for the record.

I know we aren't supposed to talk about the admonishment of the chairman not to talk about Katrina. But just one thing I did want to mention is that I have heard and I have heard others talk about the numbers down there. The number of school districts, the number of schools, the number of kids, and obviously, there are very different circumstances there. Some of these schools, I am sure, have reopened. Some of those school districts are probably functioning. Some of them, in some cases, a hundred percent of the kids may be going to school now, as happens after a number of storms. But in other circumstances New Orleans stands out, but others, as well—they just simply aren't there. The schools may not be there, and the kids aren't there, or whatever.

I would hope that we can—I would hope that your department is—and I am sure you are—is keeping a pretty careful eye on those numbers and making the adjustments as we have to.

We have to make financial decisions here.

We need to make sure these kids are educated or whatever, and I hope that is a moving target number in what we are doing.

Secretary SPELLINGS. It very much is.

Mr. CASTLE. With respect to No Child Left Behind, I mean I thought all the questioning was interesting, and I have some of the same questions.

I did not ask the staff this. I think our reauthorization of this is probably going to be in 2007, based on what I know, so probably two years away, a year-and-a-half away at this point, and I am interested in what you might be interested in doing.

For example, with the high school—the addition of the high school this year—I didn't think that the effort by the administration—not you but by the administration as a whole—was particularly strong in terms of really getting that done.

I thought their proposal, which was taking vocational ed money and TRIO money, etcetera, and doing it was not something that even they thought would necessarily hold water. Having said that, I believe that you, particularly, in the administration now, is quite interested in having high schools bought into No Child Left Behind. I am and I believe very strongly you have to do that to complete the record.

We also talk about flexibility, and you and your predecessor have both been pretty good about changing flexibility, particularly the learning disabled, and there may be areas in there which we do need additional flexibility, and you mentioned here today the growth model, which is, I suppose, hard to encapsulate, either in legislation or regulation, by I think it is something we should be looking at, but I am interested in those areas and how you rank them in terms of importance or how soon we should get them done as part of No Child Left Behind or anything else you would have in mind that we should be looking at as we holistically approach No Child Left Behind, you know, probably starting next year, we will start to look at it.

Secretary SPELLINGS. Thank you for that question.

Let me start with the growth model. I do think that is something where we have to be very sophisticated. I am looking at some core principles about what are the must-do's on a growth model, must reach the 2014 target, must have an adequate data management and data mining system, annual assessment.

I mean this is—these are—this sort of notion is for experienced actors, not for people who have yet to fully implement annual assessment.

It is going to be hard to clearly establish growth where there are no regular benchmarks.

So I will hope to bring that sort of information forward to you all in the very near term. With respect to high schools, I do think there is wide agreement.

Congressman Miller talked about the governors. I have been with lots of them around the country. It is very much a bipartisan effort. I think they know that the people, the states with the most effective and competitive workforces are going to have the jobs. So, I do think it is right for us to turn our attention there.

Maybe the strategy that the administration offered was not necessarily the exactly right one, but certainly it is something that we all agree we need to work on.

I will just say one—quickly about high school. We have a dearth of information about what the problem is, for whom, what is the cure, and so on.

We have offered striving readers, the need to continue to work reading proficiency.

We think students drop out because they lack reading skills.

We think there is disengagement because people are—you know—and the need for dual enrollment programs, but we are doing a lot of guessing about what is wrong in high school and what the right policy levers to work with are, and we need some data.

Mr. CASTLE. Governor Warner—I saw him at a seminar thing we did together the other day—from Virginia, said that the—I thought

he said that the governors have actually reached a definition of high school graduation that could be used universally. That has been, to me, a tremendously troubling point in education for many, many decades, not just years.

Is that correct? Are we getting to some sort of universal definition of what—who is really graduating and who is not in this country?

Secretary SPELLINGS. Yes, sir, and we at the department have been a part of that. We are now reporting a new indicator that essentially is who do you have at the ninth grade that shows up at the finish line, not who started their senior year or other various, you know, permutations on what might constitute a complete-er rate, who is in the pool and so forth. So, I think we are making progress. We have just seen the release of—or a description of the before and after picture on the indicator. I think a truth in advertising is a big part of getting at attacking this dropout problem, because it has been hard to get a handle on.

Mr. CASTLE. I just can't stress how important I think that is.

It is amazing to me that that has not happened in the past, and it is amazing to me that states come up with these vastly different statistics, because they are looking at it differently in terms of how they approach the statistics, and I think that is really important.

Secretary SPELLINGS. That is right.

Mr. CASTLE. Well, my time has expired.

As far as the reauthorization is concerned, and particularly high schools, I don't think we should necessarily wait until we start the actual formal process of looking at reauthorization.

We need to be looking at these things now and getting them ready. Hopefully we can all work together on that.

Secretary SPELLINGS. Absolutely.

Mr. CASTLE. Congresswoman Davis is next. Susan Davis is next.

Mrs. DAVIS OF CALIFORNIA. Thank you.

Thank you, Mr. Chairman and Madam Secretary. It is very good to have you with us.

Along the lines of how we respond and work with high school students, I wanted to mention briefly a particular program that has had such great success, and I am wondering what the department is doing to try and promote that and to work with school districts. It's the AVID program, Advancement Via Individual Determination, and why that—just give a statistic or two, but I mean these are low-income students, largely, largely minority students, who select an elective course to teach study skills, which we know is so critical, study skills, reading, and writing for critical thinking and collaborative learning, and over 250,000 students have completed those courses across the country in about 36 states, 95 percent of them go on to college, 85 percent of them are still there in their sophomore year.

So it seems to me, we have a proven program of success. It is successful partly because it doesn't depend on one dynamic teacher, what they have done and put in place. It is working with colleges and universities, with students, and follow-up. I think learning and, really, oversight of the program is the success.

What is the department doing to promote those kind of programs? How can we work with you to do more of that?

There are, I know, programs throughout the country, but this one, in particular, if we are talking about high schools, we are talking about lighting those fires—these are kids whose, you know, fires probably went out, but we do start catching them in some schools even at middle school level.

Can you share more about how can we work with you, with that kind of program and others?

Secretary SPELLINGS. Yes.

We are, at the Department of Education, a funder of AVID programs around the country, as part of our advanced placement and pre-AP—you know, that pipeline sort of issue, and so, we recognize that it certainly has some merit, no doubt about it, and I think No Child Left Behind clearly has built an appetite for, you know, things that work, no doubt about it.

One of the things that I think the AVID program does well and clearly is, is to get to this notion of individualization. I mean that's what the "I" is in AVID, as you said, and a notion that it is about competency-based for the individual, as opposed to amount of seat time and so forth.

So it does—this accelerated instruction, this work the problem till you get there sort of philosophy that undergirds that, that is important, and I think there is a—beginning to see more of that around the country, and so, we are pleased to be a partner with AVID programs around the country.

Mrs. DAVIS OF CALIFORNIA. Thank you.

Do you think that those efforts would accelerate, because this really is closing the achievement gap. What more can be done?

Secretary SPELLINGS. That is the sort of thing that we have built an appetite, a hunger in the school community to try things that do have demonstrated results.

Mrs. DAVIS OF CALIFORNIA. All right. Thank you.

I have a number of other questions, Mr. Chairman, but I know that the Secretary is going to have to leave, and I will allow others to take on.

Thank you.

Chairman BOEHNER [presiding]. I appreciate my colleague from California's generosity, and hopefully other members will follow suit.

The Chair recognizes the gentleman from Michigan, Mr. Ehlers.

Mr. EHLERS. Did you have to look at me that way when you said that?

Thank you, Mr. Chairman, and thank you, Madam Secretary, for being here.

I would like to address a couple of questions, looking forward toward reauthorization, and these may be too complex to deal with here, but I would certainly appreciate your thinking, and perhaps a more detailed response later.

Not too surprisingly, my questions are about math/science education, not because I am a one-dimensional person, but because Mr. Holt and I are the ones who seem to have been delegated the responsibility to pursue this.

Two basic issues.

As you are aware, I am a strong supporter of your department's program on math and science partnership, also the National

Science Foundation program, math/science partnership, was involved in developing both. They are complementary, spelled with an "e", and really belong together, but they have not been adequately funded, for a series of reasons over the years, and the first question relates to how—what you think, and I will ask both questions so you can answer them together.

How can we address that in reauthorization? We, in fact, are spending less on those programs now that we did before No Child Left Behind was passed. We had the Eisenhower program before that, and considerably more was being spent on those areas than there are now, and so, the first question is how can we adjust that? What ideas do you have to adjust that in reauthorization so that these programs, which—as you say, 80 percent of the jobs are going to require the training.

How can we assure that they get greater emphasis in teacher training programs and professional development and so forth?

The second issue is more complex, and that arises—I am sure you are familiar with the PISA test comparing us to other nations, the TIMS test comparing us to other nations. We do quite well in fourth grade math and science, we do less well in eighth grade, we do very poorly in 12th grade, and when you look at all the other nations that do well, they have a sense of uniformity to their programs, they are national programs, and there is a factor there that is often overlooked, and that is math and science are sequential, and students must learn them sequentially, and if they get out of sequence, their learning is really hampered.

The difficulty is we are a transient nation, and people constantly transfer from one school district to another, from one state to another, one city to another.

With the plethora of programs in this nation, it is very hard for the students to actually get the material presented in a sequential way. That is not true in California, Texas, Florida, the major states which have a uniform curricula, but most states don't have that, and particularly when students, as we have with Katrina, traveling from one state to another, have a totally different program, totally different sequence.

I know you and I both share the same philosophy, that it is not our job as the Federal Government to establish a uniform curriculum in this nation, but yet, the need is so pressing here.

What can we do to—at the Federal level—to ensure that there is this uniformity of sequence, uniformity of program, so that a student taking fractions in the fourth grade transferring to another school will continue to study fractions and will not suddenly be jumped into another topic?

I would appreciate any ideas you have on that that we can try to apply as we work toward the reauthorization of the bill and try to address this very difficult problem.

Secretary SPELLINGS. Thank you, Congressman, and thank you for all you have done to promote math and science education throughout your public service career. It has really been tremendous, and we need you desperately now. I say sometimes that we need to do for math what we have done for reading, which is have an understanding of how we provide human beings the opportunity to become proficient readers. And I think the education community

has spent a lot of time talking about or we all have spent a lot of time talking about the tactics of calculation, proficiency, and skills versus the ability to think and so on and so forth. I think that is being set aside because these curriculum issues are acute. As you said, some of the sequencing issues, levels of rigor, and a better understanding of mathematics education in our country. I think it is, I am pleased that the community is coming together and at least agreeing that we have a problem. I see around the country and you have mentioned it, sort of, the disconnectedness, and issues are manifesting themselves as we look at displaced student issues from state to state and the gaps in curriculum.

You are right, the Federal Government is not authorized, in fact, we are expressly prohibited from getting in the curriculum business, but I do think there is a role for us to help describe research. We have, as I keep saying over and over, built an appetite for results. We know, assuming our grade level proficiency standards are accurate. Which, you know, obviously varies by state. I think there is a recognition that we have a problem, and I have convened a math task force of mathematicians and educators to work through some of these issues. I think that is obviously the first step.

With respect to funding and resources, I agree. You know, we, as you know, have asked for additional funding for the math-science partnership, it is up 51 percent.

I think one of the things that we still lack is understanding what are the most effective programs. We need to drill down more effectively in math. We are paying for a lot of interesting ideas, and I think we still have yet to kind of crack the code on what the most effective ways to enhance and accelerate math instruction and math learning really are.

Mr. EHLERS. Thank you. I will be happy to continue to work with you on that.

Chairman BOEHNER. The Chair recognizes the gentleman from New Jersey, Mr. Holt.

Mr. HOLT. Thank you, Mr. Chairman, and thank you for coming, Madam Secretary.

Let me follow on that discussion of science education. It is true that the math-science partnerships are up maybe 50 percent, which brings them to about a third of what the funding was for the Eisenhower programs before No Child Left Behind began.

So it is far, far behind where we were before in teacher professional development for science teachers, for teachers of science, not just science teachers.

So I hope we will see a much greater commitment in light of the need that you just outlined, because at the same time, the NSF counterpart of this teacher preparation and teacher professional development has come in with a request every year for a decrease. So it is—I think it is—this is a very serious problem that is going to require strong leadership from you if we are going to address the problems that you just outlined.

On the subject of science, as you know, in this school year, No Child Left Behind testing and assessment will begin in science. There is a great deal of uncertainty out there in the community, ambiguity, they say, in the language, about whether these tests

will be included in the AYP calculations. Can you give us some clarification on that?

Secretary SPELLINGS. Let me——

Mr. HOLT. I should say, you know, Representative Ehlers and I, who were coauthors of this language, certainly intended that it would be, and I think the Congress intended that it would be when we put that language in No Child Left Behind.

Secretary SPELLINGS. Let me first respond to the math-science partnership funding issue, and I think, obviously, these issues of resources are always things that are negotiated and discussed between the administration and you all. One of the key concepts behind No Child Left Behind was, of course, to try to provide a focus on results and yet more latitude with respect to resources, and many of the dollars that are focused on teacher development flow through Title 2 and are allocated to states and local districts to meet the needs as they see fit. We are measuring annually in mathematics and so forth, and so, rather than be specific about——

Mr. HOLT. If I may jump in, so, for example, funds that used to be restricted for teacher professional development in science, for example, can now be used for smaller class sizes.

Now, smaller class sizes is certainly a desirable goal, but it clearly is taking it from such things as teacher professional development for those who teach science.

Secretary SPELLINGS. Well, you know, the whole—the philosophy was just sort of the results of a process sort of notion and to allocate whether—you know, that local school districts and states would decide, you know, do we need teacher development——

Mr. HOLT. We could turn it over to states, but we need leadership from Washington that there will be a commitment to teaching of science in this country, and I am not seeing it, and I hope you will provide it, in light of what you just said about the need.

Secretary SPELLINGS. Clearly, it is a place for leadership, no doubt about it.

With respect to science standards, they are being—science assessments are being developed now.

As I understand it—and certainly this is the—you know, what will be at issue in the reauthorization is that the understanding was that the accountability provisions, per se, applied to reading and math and not the science, that we are now developing standards, developing those measurements, in many cases benchmarking them for the first time, but you know, with respect to accountability, we are not there yet.

Mr. HOLT. So the tests are for no purpose?

Secretary SPELLINGS. Well, I think what my experience is, is that shining the light on the problem, on the issue, particularly in a disaggregated way, is a great motivator for all of us, for governors, and for school board members.

Mr. HOLT. Does that argument also apply to reading and math?

Secretary SPELLINGS. Well, obviously——

Mr. HOLT. Is the testing alone enough?

Secretary SPELLINGS. I think what, it is not enough?

Mr. HOLT. But it is enough for science.

Secretary SPELLINGS. What we knew was, when we created No Child Left Behind, that we were trying a new way of doing busi-

ness, that we were going to hold states accountable, very much for these two key things that we had never done before. And that as we work our way into various other subject areas, we will look at, obviously, the reauthorization chart is before this body in the fairly near future, whether that and other subjects ought to be part of the accountability system.

I will tell you from my own experience in Texas, we did. We added additional subject areas and made schools and school districts accountable for those subjects, as well.

Mr. HOLT. Okay.

Since my time is expired, I will ask in writing if you will also comment on whether the teaching of intelligent design as an alternative to science is department policy.

Secretary SPELLINGS. The Department of Education does not have a curriculum policy on intelligent design or science standards, generally.

Those are reserved to states and local communities, and we are expressly prohibited from the Department of Education from curriculum decisions.

Chairman BOEHNER. The Chair recognizes the gentleman from Minnesota, Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman. Thank you, Madam Secretary, for being here. I see we are rapidly approaching the deadline here on the clock.

I would like to follow the example of the—staying in the green light, but I want to take just a minute to kind of sort of set the stage before I ask the question.

Despite the near perfection of the Chairman's bill, as we all know, it wasn't greeted universally with great accolades and open arms, and in fact, when I was first elected, many parents and educators had quite a bit of criticism of the bill, and one of them was that it was too rigid, there wasn't enough flexibility.

Your predecessor, acting within the law, granted some flexibility in several areas, including highly qualified teachers in special ed, and so forth, and as I have continued to visit with educators in the district, there is less complaint about the law being too rigid. Nevertheless, there is still some there.

There are complaints that, with the influx of refugees and immigrants, for example, that is causing some problems in some of the disaggregated groups, and my position has consistently been that we should try to implement this law has hard as we can, do the very best we can, and where it simply will not work, there just needs to be more flexibility, either you in the department or we in this body will look at changes when we go to reauthorization.

So my question is, from your perspective, looking across the country, where are you seeing places where you are hearing or you suspect that it may be, in fact, too hard, where we have got bumps that we are going to have to change, either through your own actions or here in this body as we go into reauthorization?

Secretary SPELLINGS. Well, I think we are learning that all the time, as we get more assessment data and continue to track progress.

What I hear as major issues around the country that are vexing for school folks, is special education. Which we have discussed with

respect to understanding fully the range of abilities. Who should and shouldn't be in the accountability system, what the appropriate educational prescription is, if you will, a much more sophisticated understanding of special ed students, and what role reading plays in the ability to have students get on grade level and in regular environments, as opposed to special education designation and the like.

LEP is an area that I hear a lot about. I think we need more research in that area. We have not cracked the code.

Obviously, this is a place where we will have more and more challenges as non-native speakers continue to come into our country, and large urban districts have, you know, dozens of languages now taught—or spoken in their school environment.

So I think we need to be much smarter about how we do that. Then the third issue I hear about is, the notion of progress. This as you know, is it a realistic goal for 2014, for whom, and so forth. I hear that kind of chatter.

I mean I think those are the things that are most acute as far as educators are concerned.

Ms. MCCOLLUM. Would my colleague from Minnesota yield for a follow-up?

Mr. KLINE. In one second, I will, I would be delighted to. Let me just say that is very consistent with what I am hearing and add that the multiple language issue applies not only to large urban areas, but I can tell you from my own experience that in suburban schools it is the same.

I am happy to yield.

Ms. MCCOLLUM. I am also from Minnesota, Madam Secretary, and Minnesota, because we had already started our own format of Leave No Child Behind years early, we had the testing and everything in place, so we just tweaked it. We came on-board quick, and so, we are in year three, where other states are not in year three. So we have been penalized for the earlier years, where all these adjustments and modifications have been put in.

What are your plans in the department not to hold Minnesota in a penalty phase for participating earlier and starting in the testing process that now has us in year three without the benefit of all the waivers that other schools have had as they have come on-board?

Secretary SPELLINGS. There are issues about early adapters.

I also come from a state that was an early adapter. I do think early adapters is part of the reality that we are in. I would suggest that many of those states who are the earlier adapters are starting to see accelerated improvement for subgroups. In particular the states have the results to show for investing early in some of these core principles.

You know, as we look at state accountability plans, I mean these are very much, you know, hip-bone, leg-bone kind of situations with the kind of student population, the sort of assessments, the types of standards and so forth. So it is a very comprehensive approach and unique approach that we really take with each state as we work with them, just as you would have to do.

It is highly tailored to local policies and state policies that have been made.

Ms. MCCOLLUM. Mr. Chair, I would like to submit for the record our state auditor's report, which shows, because of the way that Minnesota came in and the way that the penalties accrue, almost every single Minnesota school, within the next 10 years, will be failing, no matter what we do.

So I would like to submit that to the record and work with the Secretary and Mr. Kline on that.

Chairman BOEHNER. I want to thank the Secretary for coming today. Other members have questions that they would like the secretary to answer.

If the secretary doesn't mind, we will ask the members to submit those questions in writing to the Secretary, and we will work with the department to make sure that all of your questions get answered.

Mr. PAYNE. Mr. Chairman, I just want to press a privilege. Will we have an opportunity to invite the Secretary back?

I know that she has a busy schedule, but——

Chairman BOEHNER. We will.

Mr. PAYNE.—our first opportunity—and hour and 15 minutes is a little difficult to get through our crew.

Chairman BOEHNER. We will work with the Secretary, and sometime this fall, before the session is over, try to have another session. Thank you, Madam Secretary.

[Pause.]

Chairman BOEHNER. If the committee will come to order, our second panel this morning is about to begin. I would like to introduce our two witnesses.

Our first witness this morning on the second panel will be Dr. Deborah Jewell-Sherman, and she has served as the superintendent of Richmond Public Schools since 2002. She has also served as an educational leader in New York, New Jersey, and Fairfax County, Hampton, and Virginia Beach, Virginia.

Dr. Jewell-Sherman was the recipient of the 2005 United Negro College Fund Flame Bearer on Education award, and Ms. Jewell-Sherman, we are glad that you are here.

Then we will hear from Ms. Kati Haycock, who currently serves as director of The Education Trust, an independent nonprofit organization focused on ensuring high academic achievement for all students at all levels and closing the achievement gap that separates low-income and minority students from their peers.

Prior to joining The Education Trust, Ms. Haycock served as executive vice president of the Children's Defense Fund and president of the Achievement Council, a statewide organization in California that provides assistance to teachers, principals in predominantly minority schools and improving student achievement who has worked with all the members of this committee, and we appreciate both of you for being here, and with that, Dr. Jewell-Sherman, you may begin.

STATEMENT OF DR. DEBORAH JEWELL-SHERMAN, SUPERINTENDENT, RICHMOND PUBLIC SCHOOLS

Ms. JEWELL-SHERMAN. Good morning, Chairman Boehner, Congressman Miller, and members of the committee. I am Deborah Jewell-Sherman, superintendent in Richmond City, Richmond, Vir-

ginia, and I represent the board, our employees, and 25,000 students.

Thank you for the opportunity to testify on No Child Left Behind and its impact on closing the achievement gap in our schools.

The goal of Richmond City Public Schools is to provide students with a world-class education. For that reason, student achievement is the focus for every initiative program and partnership undertaken by the board.

Of the 25,000 students enrolled, 90 percent are African-American, 7 percent are Caucasian, 2.6 percent are Hispanic, and over 17 percent are students with disabilities. Additionally, nearly 70 percent of our students qualify for free and/or reduced lunch. Of important note, a significant number of our students come from single-parent homes and reside in low-income housing.

In short, Richmond Public Schools typifies urban school districts across the nation.

In 1999, the State of Virginia implemented its Standards of Learning initiative, a high-stakes testing program that required every local school district to meet achievement benchmarks in core academic subject areas. To become fully accredited, 70 percent of a school's student population must pass the tests.

In year one, only two of Richmond's schools earned full accreditation. In 2002, that number reached 10.

In 2003, we more than doubled our number of fully accredited schools, moving from 10 to 23, or 45 percent.

The next year, 23 accredited schools became 39, or 76 percent, and this year, the preliminary data indicate that 43 of our 51 schools, or 84 percent of our schools, will earn full accreditation.

Richmond Public Schools has experienced the same progress in fulfilling the Federal NCLB benchmarks.

Last year, 27, or 52 percent, of our schools made AYP.

In 2004-05, with 97-percent highly-qualified teachers, 39, or 76 percent, made AYP, and 29 of those schools are Title 1 schools.

In 2001, the Federal Government's NCLB ushered in stronger accountability measures.

In 2002, our Governor, Mark Warner, launched the state's PASS, or Partnership for Achieving Successful Schools, initiative, which focused on providing resources to low-performing schools.

Also in 2002, my first year as superintendent, the district asked the Council of Great City Schools to complete an analysis of our instructional program from top to bottom.

While NCLB provided a spring board for our school district to take a bold look at our instructional program, it must also be noted that Richmond public schools did not shy away from the challenges that accompanied the implementation of the act.

Instead, we assessed our division from top to bottom to determine our current status, and then we constructed a strong, more accountable system where our students received high-quality instruction that demanded higher levels of academic achievement.

We developed a plan of action. The first instructional reform initiative launched was the adoption of a district-wide, research-based reading instructional program and the elimination of all supplementary programs that had not increased student achievement and were not data-driven.

These measures were followed by the implementation of several standardized programs and processes.

We engaged in a comprehensive curriculum alignment process, developed a student assessment and data management system, revised the curriculum guides, created lesson plans, implemented a district-wide instructional model, devised an intense accountability system, developed a continuous capacity-building staff development program, and utilized data analysis to provide immediate intervention and remediation to staff and students.

In Richmond Public Schools, the progress of students has increased and is mirrored in all our subgroup populations. Five out of six subgroups showed increased performance during the 2004-2005 school year in both English and math. There was a slight decline of less than 1 percent by our white students in mathematics. An analysis of the data indicates the gap between white students and black and Hispanic students is closing.

In English assessments, the gap between black and white students was reduced by over 2 percent, between Hispanic and white students by over 11 percent. The data also indicate a slight increase in the gap between black and Hispanic students.

In mathematics, the gap between black and white students was reduced by 2 1/2 percent, between Hispanic and white students by 4 percent.

The data indicate the gap between Hispanic students and black students has decreased by over 4 percent.

In Richmond City Public Schools, in the incorporation of No Child Left Behind with state and local reforms focused our attention on providing the greatest instructional resources to those students who had the greatest need. School improvement dollars were used for professional development and training of teachers and staff, as well as to provide resources such as educational consultants, tutors, coaches, and instructional materials.

These funds have been a tremendous support for our schools. As our schools continue to improve, they exit school improvement.

This year, six schools were removed from the school improvement list. This is great news. However, little or no additional funds are available to support the very initiatives that helped to increase student achievement. The battle to increase student achievement does not diminish.

The challenge of providing additional dollars with limited state and local resources is one that we must address.

An additional challenge for us is implementing school choice as a function of NCLB.

Currently, school choice is offered prior to supplemental educational services, but many parents prefer the tutoring and academic coaching that is provided by SES over school choice. Last year, we only had 359 applicants for school choice, in comparison with 1,380 students that received SES.

Currently, a pilot program that offers SES before school choice is underway in four Virginia school divisions, and we anxiously await the results.

In conclusion, in Richmond City Public Schools, we embrace the No Child Left Behind Act as a means for refined and deepened academic focus for all students.

Our district is committed to high expectations for all, and we have implemented a new accountability system, the balanced score card, which is an approach to strategic management that ensures clarity of vision, strategy, and action. This initiative is used to ensure the accountability of our school board, central office administrators, school administrators, and classroom staff.

The Richmond Public School family is committed to improving individual student achievement as indicated by national, state, and local standards, leading to each student's graduation and ability to pursue future educational opportunities and meaningful careers.

There are many good school systems across this nation. However, Richmond Public Schools is not satisfied with just being good. We seek with firm resolve to move from good to great. Thank you.

[The prepared statement of Dr. Deborah Jewell-Sherman follows:]

Prepared Statement of Deborah Jewell-Sherman, Ed.D, Superintendent, Richmond Public Schools

Good morning, Chairman Boehner, Congressman Miller, Congressman Scott and members of the Committee. I am Deborah Jewell-Sherman, superintendent of Richmond City Public Schools in Richmond, Virginia. I represent the School Board and 25,000 students. Thank you for the opportunity to testify on No Child Left Behind and its impact on closing the achievement gap in our schools.

The goal of Richmond City Public Schools is to provide students with a world-class education. For that reason, student achievement is the focus for every initiative, program and partnership undertaken by the Richmond City School Board.

Of the 25,000 students enrolled, 90 percent are African American, 7 percent are Caucasian, 2.6 percent are Hispanic and over 17 percent are students with disabilities. Additionally, nearly 70 percent of our students qualify for free and/or reduced lunch. Of important note, a significant number of our students come from single-parent homes and reside in low-income housing. In short, Richmond Public Schools typifies urban school districts across this nation.

In 1999, the state of Virginia implemented its Standards of Learning initiative, a high-stakes testing program that required every local school district to meet achievement benchmarks in core academic subject areas. To become fully accredited, 70 percent of a school's student population must pass the tests. In year one, only two of Richmond's schools earned full accreditation. In 2002, that number reached ten. In 2003, we more than doubled our number of fully accredited schools, moving from 10 to 23 or 45 percent. The next year, 23 accredited schools became 39 or 76 percent. And this year, the preliminary data indicate 43 of our 51, or 84 percent, of our schools will earn full accreditation. Richmond Public Schools has experienced the same progress in fulfilling the Federal NCLB Benchmarks, last year 27 or 52 percent of our schools made Adequate Yearly Progress. In 2004-2005, with 97% highly qualified instructors, 39 or 76 percent made Adequate Yearly Progress (AYP); 29 of which are Title I schools.

In 2001, the federal government's No Child Left Behind Act ushered in stronger accountability measures. In 2002, Virginia Governor Mark Warner launched the state's PASS (Partnership for Achieving Successful Schools), initiative which focused on providing resources to low-performing schools. Also, in 2002, my first year as superintendent, the district asked the Council of Great City Schools to complete an analysis of our instructional program from top to bottom.

While the No Child Left Behind (NCLB) Act provided a springboard for our school district to take a bold look at our instructional program, it must also be noted that Richmond Public Schools did not shy away from the challenges that accompanied the implementation of the NCLB Act. Instead, we assessed our division from top to bottom to determine our current status, and then we constructed a strong, more accountable system where our students received high quality instruction that demanded higher levels of academic achievement. We developed a plan of action.

The first instructional reform initiative launched was the adoption of a district-wide, research-based, reading instructional program and elimination of all supplementary programs that had not increased student achievement and were not data driven. These measures were followed by the implementation of several standardized programs and processes. We engaged in a comprehensive curriculum alignment

process, developed a student assessment and data management system, revised the curriculum guides, created lesson plans, implemented a district-wide instructional model, devised an intense accountability system, developed a continuous capacity building staff development program, and utilized data analysis to provide immediate intervention and remediation to staff and students.

In Richmond City Public Schools, the progress of students, overall, has increased and is mirrored in our subgroup populations. Five out of six subgroups showed increased performance during the 2004-2005 school year in both English and Mathematics. There was a slight decline, -.69% decrease by white students in mathematics. An analysis of the data indicates the gap between white students and blacks and Hispanics is closing.

In English assessments, the gap between black and white students was reduced by over 2%, between Hispanics and whites by over 11%. The data also indicate a slight 1.8% increase in the gap between black and Hispanic students.

In mathematics, the gap between black and white students was reduced by 2.5%, between Hispanics and whites by 4%. The data indicate the gap between Hispanic students and black students has decreased by over 4%.

ANNUAL MEASURABLE OBJECTIVES—ENGLISH PERFORMANCE

Student subgroups	03–04 Achievement	03–04 Achievement	Variance
All	71.36	75.19	+3.83
Black	69.98	73.91	+3.93
Hispanic	66.00	79.73	+13.73
White Students	89.73	91.55	+1.80
Ltd. Eng. Proficient	65.38	77.24	+11.86
Disadvantaged	67.18	73.26	+6.08
Disabilities	53.97	60.86	+6.89

ANNUAL MEASURABLE OBJECTIVES—MATHEMATICS PERFORMANCE

Student subgroups	03–04 Achievement	03–04 Achievement	Variance
All	75.74	77.33	+1.59
Black	74.29	76.15	+1.86
Hispanic	80.45	83.79	+3.34
White	90.60	89.91	− .69
Ltd. Eng. Proficient	74.79	81.59	+6.80
Disadvantaged	74.09	77.40	+3.31
Disabilities	54.56	67.96	+13.40

In Richmond City Public Schools, the incorporation of NCLB with state and local reforms focused our attentions on providing the greatest instructional resources to those students who had the greatest need. School improvement dollars were used for professional development and training of teachers and staff, as well as to provide resources such as educational consultants, tutors, coaches and instructional materials. These funds have been a tremendous support for our schools. As our schools continue to improve, they exit School Improvement. This year six schools were removed from the School Improvement list. This is great news, however, little or no additional funds are available to support the very initiatives that helped to increase student achievement. The battle to increase student achievement does not diminish. The challenge of providing additional dollars with limited state and local resources is one that we must address.

An additional challenge for us is implementing school choice as a function of No Child Left Behind. Currently school choice is offered prior to supplemental educational services (SES). Many parents prefer the tutoring and academic coaching that is provided by SES over school choice. Last year, we only had 359 applicants for school choice, in comparison with 1380 students that received SES. Currently, a pilot program that offers SES before school choice is underway in four Virginia school divisions. Richmond City is anxious awaiting the results of the pilot program.

In conclusion, in Richmond City Public Schools, we embrace the No Child Left Behind Act as a means for refined and deepened academic focus for all students. Our district is committed to high expectations for all and has implemented a new accountability system, the Balanced Scorecard, which is an approach to strategic management that ensures clarity of vision, strategy and action. This initiative is used

to ensure the accountability of our school board, central office administrators, school administrators and classroom staff.

The Richmond Public Schools family is committed to improving individual student achievement as indicated by national, state and local standards, leading to each student's graduation and ability to pursue future educational opportunities and meaningful careers. There are many "good" school systems across this nation; however, Richmond Public Schools is not satisfied with "just being good." We seek, with firm resolve, to move from good to great.

Chairman BOEHNER. Thank you.

Ms. Haycock.

STATEMENT OF MS. KATI HAYCOCK, DIRECTOR, THE EDUCATION TRUST

Ms. HAYCOCK. Mr. Chairman, Congressman Miller, and other members of the committee, thanks for the opportunity to testify here this morning.

As director of The Education Trust, I have the incredible privilege of visiting with educators all around the country who are working hard to improve the achievement of the kids that they serve.

In fact, in the last 10 days alone, I have been in Charlotte, Cincinnati, New York City, Indianapolis, and Bismarck, North Dakota.

As you might guess, everywhere I go, I hear folks talking about NCLB, and of course, it is not all positive. Nobody out there thinks the law is perfect. Almost everybody thinks there are some things about the law that could be improved, but what I want to be clear about is there is no question in my mind, as I visit school systems around the country, that educators are far more focused than ever before. In every community, there are educators who tell me that this law has strengthened their hand as they try to do the important work of improving achievement, especially among low-income children and children of color.

I am very much aware that that is not always the message you hear from local educators in their districts, and many times you hear a lot of anger. It is important to remember, though, that in many ways, anger was essentially inevitable. With any kind of bold assault like this on the status quo, you have asked folks to confront the longstanding issues of race and class in our country, and that is never a comfortable thing for people to do.

So when you add that expectation, that large expectation, with less than stellar, shall we say, communication and administration by the U.S. Department of Education, it is not surprising, in many ways, that there has been so much push-back.

Despite that, there is no question in my mind that this law is helping focus much more attention and much more energy on improving the education of low-income and minority students than at any time, certainly, more than 20 years that I have been doing this work. But you know us, we are the data guys. We are not ever as impressed by energy as we are by results, and the good news here is that, in the vast majority of our states, what we are now seeing is improved achievement for all kids and significant narrowing of the gap.

In Minnesota, for example, the percent of black kids at the fifth grade level who are proficient in mathematics has actually doubled

in the last five years, and the black-white achievement gap in Minnesota, once one of the largest in the country, has declined by 10 points, most of that progress since the law passed.

In Illinois, achievement, especially in mathematics, among Latino youngsters, has soared. The Latino-white achievement gap in Illinois has been cut in half since NCLB was passed.

In Ohio, every one of the six urban school districts in the state has actually improved at a faster rate than the state as a whole, narrowing the long and large gap between cities and suburbs.

In fact, if you want to see something interesting, take a look at our big city school districts in general. Largely due to incredible work being done by the Council of Great City Schools, we are seeing much faster improvements in many of our big cities than ever before, and as you know, those results are finally starting to add up nationally. The most recent results from the National Assessment of Education Progress long-term trends at the elementary shows record performance in both reading and math for all groups of kids, and a smaller black-white and Latino-white achievement gap than we have ever had in this nation's history. We are finally, in other words, beginning to turn the ship in a more promising direction.

Now, remember, the law didn't do this, dedicated educators around the country did, but the important thing to know is that educators, thousands of them around the country, are stepping up to the challenge that you gave them.

Let me talk, though, not just so much about progress but about three areas that are terribly important for us to focus on.

First is getting more help to the schools that continue to be low-performing. As I know many of you here, when you talk to folks in your districts, there are some schools that are responding to the pressure in not-so-positive ways.

They are narrowing the curriculum. They are teaching to the test. They are doing things that, frankly, are not going to pay off for kids.

In fact, when I visit high-performing, high-poverty schools around the country, that is not what I see.

What I see instead are robust, exciting education, lots of projects, lots of art and music, and the kids are learning that way, but many struggling school educators don't know that. We need to provide the more help, and you could actually help by funding the school improvement grants that you have authorized but never actually put any money to. So help for schools is one thing.

Number two is the teacher quality issue that some of you raised earlier. One of the things that low-performing schools need most is high-quality teachers.

You knew that well when you crafted the teacher quality provisions of No Child Left Behind, but the department has not taken those requirements seriously. The rules are very unclear. The result of that is very simple.

Number one, states can do anything they want, and here is the consequence.

States that stepped up and took their responsibilities seriously ended up looking bad. Those that simply declare any old teacher

as being highly qualified no matter how much evidence there is to the contrary to look good.

So there is a perverse situation here that is not very helpful. The second that has happened is you have lots of unnecessary fear.

When you crafted the highly qualified teacher provisions, what you said is teachers that do not meet them get help, but you know what they think? They think they will get fired. There is nothing like that in the law, but the department has failed to tell people that, which has created all that unnecessary fear.

We need to fix that, and we need to take seriously the requirements in the law that poor kids get their fair share of high-quality teachers. There has been no attention to that whatsoever. One final area is one also mentioned by several of you, and that is SEP services.

You certainly know that, by year three, if schools are not making progress, their children are supposed to get supplemental services.

You actually established very specific requirements asking states to set careful requirements for the quality of those and to monitor those, but the department ignored those, as well, with the result that low-income kids are becoming an experiment, both for private sector and badly organized public sector programs. I think we need to remind the department this is hugely important to take this much more seriously. So when you come back to reauthorization, you actually know, is this working or not?

Finally, let me just remind you that when you passed this law, you showed very, very important leadership in charting a new course in Federal education policy. While there is still a lot more work to be done, and you certainly all know that, now is certainly not the time to rest on our laurels. It is very important for us to recognize, at the same time, that we are on the right path. Kids are learning more. The initial results are promising, especially in the elementary grades. We need to stay the course in saying clearly that all kids in this country count. Thank you very much for your time.

[The prepared statement of Ms. Kati Haycock follows:]

Prepared Statement of Kati Haycock, Director, the Education Trust

Mr. Chairman, Mr. Miller, and Members of the Committee, thank you for the opportunity to testify this morning.

As Director of the Education Trust, I'm privileged to spend most of my time with educators who are working hard to boost the achievement of all of their students. Just this last week, I was in Charlotte, North Carolina, New York City, Bismarck, North Dakota, and Indianapolis. Through these travels, I've gained a unique perspective on the No Child Left Behind Act.

Everywhere I go, you can bet that I hear about NCLB. As you might guess, it's not all positive, but let me start off this morning by saying that, despite the shortfalls in funding and the anxiety about AYP, this law is having a dramatically positive impact on American education. Nobody thinks the law is perfect. But educators in every part of this country have told me that this law strengthens the hands of those who are working to improve overall achievement and close the achievement gaps that have for too long plagued our schools and our nation.

I know that this is not always the story you hear and that at times the complaints have been loud and at times even angry. In part, it was inevitable that there would be pushback against a law that is such a bold assault on the status quo. Moreover, NCLB presses hard on the important issues of class and race and those issues—as critical as they are for us to face squarely—continue to be hard and uncomfortable issues for most Americans to confront.

In fact, we've chosen for a very long time not to confront them. Instead, as a society we've swept issues of inequality in public schools under the rug. And that's allowed too many schools and districts to grow complacent about the dead-end trajectories of low-income and minority students, students with disabilities, and English-language learners. Before NCLB, state systems of accountability accommodated, rather than challenged, persistent patterns of school failure. Meanwhile, education grew more and more important in determining economic mobility and civic participation as well as our collective prosperity and security.

While some pushback was inevitable, it is also the case that a lot of good will has been squandered and momentum undercut by the U.S. Department of Education's mishandling of the law.

Early Results Are Positive

Despite all the pushback and rancorous rhetoric, NCLB is working to focus more attention, energy, and resources on improving the education of poor and minority students than at any time since I started doing this work more than 20 years ago.

While this new focus is inspiring and altogether positive, it would not be so significant if it weren't leading to actual gains in student learning. Again, though, there is some good news, especially at the elementary grades and in middle school math. Across the country, most states have made simultaneous progress in raising overall achievement and closing the gaps.

In Minnesota, for example, the percent of Black fifth-graders proficient in math has more than doubled in the last five years and the Black-White achievement gap has shrunk by 10 points, and most of the progress has come in the last three years-since NCLB's passage. In Illinois, achievement in math has been consistently rising among Latino fifth graders and the Latino-White achievement gap has been cut in half since NCLB was enacted—from 31 to 15 percentage points in three years. In Ohio, every one of the six largest districts in the state has been improving at a pace more quickly than the state overall, narrowing the gaps between cities and suburbs. This is exactly what we all hoped would come out of NCLB: greater focus that would lead to rising student achievement overall and accelerated gains for the students and schools that were farthest behind.

These test score results represent the foundation of better opportunities and brighter futures for these students. They represent improvements in classroom instruction and more strategic use of data to understand and address individual students' needs—but most of all they represent the tireless efforts and dedication of those in our schools: teachers, counselors, principals and superintendents. We owe these educators a debt of gratitude, especially those who are working and succeeding in our highest poverty schools and proving that it can be done—that we can teach all students to high standards in our public schools.

NCLB called on educators to embrace a new challenge—not just access for all, but achievement for all. Thousands upon thousands are answering that call. I want to mention just a couple to serve as illustrations of what is happening around the country.

Centennial Place, Atlanta, Georgia

In Centennial Place Elementary School in Atlanta, Georgia, Principal Cynthia Kuhlman says she hardly thinks about NCLB's accountability goals. "AYP is not good enough for us," is what she says. Centennial Place educates more than 500 students, 90 percent of whom are African-American and two-thirds of whom are from low-income families and has been one of the top schools in the state in academic achievement for several years running. Centennial Place students learn mostly through projects, turning a classroom into a plane for a trip to Africa in one lesson, building a tundra out of cake and ice cream for another. "The best way to do well on the test is to teach the standards in an exciting way," says Principal Kuhlman.

Centennial Place is also very strategic about analyzing test results and feeding them in to a continuous improvement process. Last year, they noticed that students with disabilities were lagging, although still above Georgia's AYP targets. Listen to how Principal Kuhlman responded: "We took it to heart. We went through a period where we didn't acknowledge that our special education students weren't doing well. No Child Left Behind helped us focus." The result? In 2005, 87 percent of students with disabilities met or exceeded standards in math, and 85 percent in reading. Centennial Place is not just a good school for poor, urban students. It is a good school that any of us would be lucky to have for our own children.

Granger High School, Yakima Valley, Washington

Another example comes from the rural Yakima Valley in Washington State. Granger High School educates mostly Latino (82%) and Native American (6%) students, most of whom (84%) come from low-income families. In 2001, Granger scores

on Washington's test were near the bottom: 20 percent of students were proficient in reading, 11 percent in writing, and just 4 percent in math. Principal Richard Esparza has worked every way he knows how to turn around the culture of low expectations and serious discipline problems throughout the school. Every teacher is asked to advise students and every teacher is asked to make home visits. When teachers don't want to go these extra miles, Esparza has a practiced speech where he offers to write them recommendations to find other jobs. But nothing is going to get in the way of his helping students succeed. The results: In 2005, 61 percent of students were proficient in reading, 51 percent in writing, and 31 percent in math.

All of this progress was accomplished while the graduation rate has dramatically increased, and at a time when Washington State tightened definitions for calculating graduation rates. Still, Granger did not make AYP last year. Esparza knows why and he's focusing on more improvements. His feeling about NCLB? "I love it," he says, "It has to happen if our nation is going to be competitive." While the law needs to be tweaked, Esparza is emphatic: "Hold schools accountable. Don't let schools like mine off the hook."

These schools—like many others that my colleagues and I know and work with in every part of the country—aren't grumbling about NCLB, but instead are thinking deeply about how to make sure their students learn what they need. This is not easy or simple work, but the dedicated professionals in these schools know that they are providing children with the single best way to secure a place in our economic, civic and cultural mainstream. If you want to understand just how complex it is, you can read detailed profiles of these and other successful schools at www.achievementalliance.org.

As important as it is to focus on schools in high-poverty areas, NCLB has served another equally important purpose. It is shining a bright light on previously invisible students in our suburbs and small towns. Students of color and poor students have languished in many affluent and middle class districts, while success was measured only by the performance of top students or based solely on overall averages. In yesterday's New York Times, Samuel Freedman wrote eloquently about the struggle for equity in Princeton, New Jersey—a highly educated, highly affluent district that didn't make AYP because of low achievement among African-American students—an achievement gap that has been acknowledged but somehow not closed for years. Freedman reports that Black parents credit NCLB with finally focusing attention on their struggle, and finally making the school district pay attention to their children.

What Needs to Happen Next?

There is no question that NCLB has focused teachers and education leaders all over the country on improving outcomes and closing achievement gaps. But we are a long way from translating this increased focus into increased student achievement at all levels and all schools: Middle school reading achievement nationally has not been improving as much as mathematics, and overall achievement in high schools has been stagnant or declining in many states, even as achievement gaps grow wider. It is clear we need more attention from policymakers, more resources, and more effective strategies for improving secondary schools.

Moreover, while there was some good news in lower and middle grades from the NAEP long-term trend assessment data released earlier this year, we can not fairly attribute this progress specifically to NCLB. In about a month or so, the new Main NAEP results will allow us to look much more precisely at whether the focus from NCLB has actually helped to improve achievement nationwide.

While we will all hope for more good news when NAEP results are released, we already know that there's much more work that needs to be done. One of the most pressing issues is to provide more help to the schools that are not meeting accountability goals under NCLB. While there are a lot of schools that are focused on improving, some schools are struggling with the challenges in ways that are not constructive.

Teaching to Test: Not Inevitable, Not Advisable

Chief among the concerns are that some schools are responding to the challenges by resorting to rote teaching, obsessive test preparation, or narrowing of the curriculum. These responses are neither inevitable nor wise. In fact, in all of my travels and all of my research, I have never come across a high-performing school that was inordinately focused on "drill and kill" or test-prep strategies. High-poverty schools where students are excelling tend to be the most dynamic, creative, engaging learning environments I come across.

Many struggling schools don't have the staff expertise or external support to raise achievement. That's how they became struggling schools in the first place! The counter-productive responses to new assessments and accountability that no one supports are the actions of educators who desperately want to do better, but simply lack the capacity, know-how and resources to do what experience tells us works best. And they don't get the help they need, at least in part because when central school district offices, state departments, and even the U.S. Department of Education were established, they were not designed to assist low-performing schools. We need to build that capacity, and quickly.

Offering more expert help to the schools that have not made AYP will cost money. Congress could advance these efforts by funding the school improvement grants in section 1003(g) of the No Child Left Behind Act, which are in the statute but have never been funded. Funding section 1003(g) at authorized levels would double the federal investment in the school improvement process and would provide critical help where it is needed the most.

We at the Education Trust work with lots of low-performing schools that need help to use their resources more effectively, and helping schools identify ineffective practices and implement more effective instructional strategies should be a focus of section 1003 (g) funds. But we also see that many of these schools need more resources. Nowhere is their need more acute than with respect to teacher quality.

Teacher Quality

Despite knowing the importance of teacher quality, especially for students with little support for education outside of school, and despite all of the lofty language and public commitments to closing the achievement gap, we systematically assign our most vulnerable students to our least qualified, least experienced teachers. When there are shortages, poor and minority students get out-of-field teachers; as teachers accrue valuable experience, they often transfer into—and are paid more to teach in—the most affluent schools. So high-poverty and high-minority schools tend to have a harder time recruiting quality teachers, and then serve as a revolving door for the novice teachers they help train.

Congress knew very well that teachers are the most important factor in education, and also recognized the significant problems in teacher quality and distribution. By including major teacher quality provisions in NCLB, Congress brought federal policy in-line with what research documents is the most important issue in raising student achievement and closing gaps.

The teacher quality provisions in NCLB embody three basic principles:

- First, all students are entitled to qualified teachers who know their subjects.
- Second, parents deserve information on their children's teachers and the qualifications of teachers in their schools.
- Finally, NCLB recognizes that states, school districts and the national government have a special responsibility to ensure that poor and minority students get their fair share of qualified, experienced teachers.

Congress increased funding for teacher quality initiatives by 50 percent (from $2 billion to $3 billion each year), targeted the money to high-poverty school districts, and gave local officials nearly unfettered discretion to spend the money in ways that were tailored to local circumstances. School districts could offer expanded professional development to teachers who weren't yet highly qualified and offer bonuses or other incentives in their hardest to staff schools.

What's happened with all the new money and all the new focus on teacher quality? No one knows.

Unfortunately, the U.S. Department of Education has not actively implemented the teacher quality provisions. For the first two and half years after NCLB was enacted, the Department refused to exert any authority at all over the states' implementation. The Department did not ask for and did not review state definitions or plans. Guidance from the Department has been erratic and inconsistent—both across states and over time.

Take the straightforward issue of accountability for the teacher quality provisions. The consequences of failing to meet the teacher quality goals are spelled out in section 2141 of the law. Despite the clarity of these provisions, persistent rumors suggest that teachers will lose their jobs if they don't meet their state's "highly qualified" definition, and that school districts will lose federal funds if they do not meet the goals. Nothing in the statute authorizes or even suggests these Draconian consequences, but the U.S. Department of Education has not seen fit to dispel these misunderstandings. It is inexplicable that the Department has not been able to clarify the most rudimentary issues with respect to the teacher quality provisions.

What we are left with is a bold policy initiative from Congress that has never seen the light of day. Billions of dollars in new federal money have been poured into

teacher quality initiatives with no federal oversight. This vacuum of federal action has allowed states to game the system, making compliant states look bad and conniving states look good. Most states have taken advantage of the Department's lax enforcement to report that almost all classes already are taught by highly qualified teachers, even in the highest poverty schools. This despite years of research about grave shortages in certain subjects, such as secondary math and science.

Even more disturbing has been inaction on the inequitable distribution of teacher talent. Congress required each state to develop a plan to measure and address the disproportionate assignment of unqualified, inexperienced, and out-of-field teachers to poor and minority students. The Department has never issued regulations or guidance detailing what those plans should include, nor have they ever asked states to produce such plans, or even reminded states of these obligations.

These provisions are critically important for closing the achievement gap and for fulfilling our fundamental obligation of equality in opportunity. But for all intents and purposes, these provisions have been interpreted out of the law. Through a grant from the Joyce Foundation, we are working with three Midwestern states, and the three biggest cities in these states, to measure and address the distribution of teacher quality. With the help of researchers at Illinois Education Research Council, we have recently shared data with policymakers in Illinois that documents the striking disparities in access to teacher quality based on poverty and race. We are finding that we need to initiate a process that Congress required more than three years ago, but that has been ignored. And the states with whom we are working may be among those who are dealing most proactively with the problems of inequitable distribution of teacher quality—in many other states, they have yet to even acknowledge the disparities in access, let alone craft a plan to address the problems.

Supplemental Services

NCLB requires schools that miss goals for three or more years to offer tutoring to low-income students, referred to under the law as "supplemental services." These services are paid for by school districts with a set-aside of their federal funds equal to as much as 15 percent of the school district's allocation. That means that almost $2 billion is available this year for low-income parents who choose to take advantage of these new opportunities.

The law establishes very specific responsibilities for states to evaluate the quality and effectiveness of supplemental service providers in section 1116(e). These evaluations are critically important because supplemental services represent a new and untested improvement strategy. Unfortunately, the U.S. Department of Education has failed to enforce these provisions, relying solely on "the market" to serve as the arbiter of quality in this educational experiment with students from low-income families.

The low-income parents that have entrusted their children to these state-licensed providers did not sign up to make their children guinea pigs for the private sector, or, for that matter, badly organized public-sector programs. Failure to hold states to their responsibilities in evaluating supplemental service providers represents an inappropriate disregard for the interests of low-income students. It also undermines the knowledge base on which to evaluate this innovative program's effectiveness.

Congress demanded evidence on which parents could make individual choices, states could make policy determinations, and on which Congress itself could act in subsequent authorizations. The Department's lack of enforcement means that parents are in the dark, and that, with respect to supplemental services, we may go in to the reauthorization of NCLB with the same tired debates based on ideology, not evidence.

Conclusion

Almost four years ago, this Committee showed great leadership in charting a new course in federal education policy. There is much more work still to do and new challenges continue to emerge. Thanks in large measure to NCLB, however, the nation is finally getting traction on correcting the deep inequities that have for so long stunted the growth of so many of our young people and dishonored our democratic ideals. Because of NCLB, achievement gaps are no longer simply tolerated; a culture of achievement is taking hold in our schools, and we are better poised to confront the new challenges.

Now is no time to rest on our laurels. Decades and even centuries of neglect and discrimination are not reversed in three years' time. Now is the time to show resolve and press forward. It will take more of your attention and more of our combined resources to close the achievement gap once and for all. None of this will come easily, and it will demand more of your courage.

First and foremost, however, we need to recognize that we are on the right path, we are seeing some promising results, and we need to stay the course on demanding that all students count. Every child growing up in America deserves a strong education, and NCLB—while certainly not perfect—has sent that message loud and clear.

I thank you for the honor of testifying before you today and look forward to answering your questions.

Chairman BOEHNER. Let me thank both of you for your excellent testimony. Because not all members got a chance to ask questions in the first round, I would like to recognize the gentlelady from Illinois, Ms. Biggert, to begin the questioning in this round.

Ms. BIGGERT. Thank you, Mr. Chairman, and first of all, I would like to congratulate Dr. Jewell-Sherman. I think that the results that you are seeing and the improvement every year is really an accomplishment, and I think that is exactly what No Child Left Behind envisioned would happen in schools, increasing that progress dramatically. You must be doing the right thing.

Ms. JEWELL-SHERMAN. Thank you.

Ms. BIGGERT. I would like to ask you because so many people tell us that there is not enough funding, that we mandated an unfunded mandate. I don't believe that we mandated an unfunded mandate with the money.

I think because we have put more money into this, it really is the highest domestic policy issue. We have put the most money into it from our discretionary funding, but there still is the funding for IDEA. I am wondering if people are confusing the fact that we are funding that at 19 percent.

We have not reached the 40 percent, which we are trying to do, but have increased the funding so much.

Do you think that the under-funding of IDEA is affecting the No Child Left Behind program? Is that where the issue is? Is it because IDEA money can't be used for the programs here?

Ms. JEWELL-SHERMAN. That is not what I have heard. What I continue to hear, as have you, is that IDEA is under-funded, but I think it is a separate conversation regarding NCLB.

The expenditures in our district for the reforms run about $8 million a year, and that does not include the cost for local transportation for students who exercise the school choice option.

It does not include the cost for transportation of children who are utilizing SES, nor does it underwrite the employee in each one of our schools that we have hired to monitor SES programs. So it is those kinds of costs that are coming out of individual districts that I think are causing people to have that concern.

Ms. BIGGERT. Thank you.

You talked about the programs, and I know that, in Chicago, they had a problem or wanted to use tutoring rather than the students leaving the school and going to another school when they didn't meet the average yearly progress, and finally were—there was a waiver that they could—and because of the numbers—could hire more tutors, not just from the private companies but have their own program itself, and it has worked. Because we see in Chicago, the numbers increasing dramatically. When you talked about having a different timing for the supplemental programs, did

you mean, that by doing the tutoring before the transfer out of the school?

Ms. JEWELL-SHERMAN. Absolutely. We have found that it works more effectively.

Parents are interested in keeping their children, if they can, in their neighborhood schools, and school choice doesn't provide for that.

Another challenge for us initially was that our receiver schools had to be high-performing schools, and we started out with very, very few of those. But I think one of the reasons that SES is also working effectively in our district is, as I have said, we have hired a teacher in each one of our buildings who monitors SES provisions. She links the services between classroom teachers and private and other providers.

She or he contacts parents to make sure that students are in attendance, because SES doesn't help if children don't attend. I think that all of those strategies have worked effectively in our district to make sure that SES is truly targeting the weak areas that students have in their learning.

Ms. BIGGERT. Thank you.

Ms. Haycock, have you found that there is a commonality in the schools that are really being able to turn around and really increase dramatically the performance?

Ms. HAYCOCK. That is actually a very good question.

The answer is that no two schools are going about improvement in quite the same way, but there are four or five things in common in all of the high-performing schools and districts.

One is a real clarity about the standards for kids with no vagueness about what work is good enough.

Two is teachers who really know their subject and who know how to teach it.

Three is a lot of support for teachers, especially around curriculum, not leaving them on their own to figure out how to teach things, and four is extra instructional time for kids who arrive behind. Through those kinds of practices, we are getting higher achievements for all kids, frankly.

Ms. BIGGERT. Thank you both for the job that you are doing. I yield back.

Ms. DRAKE [presiding]. Thank you.

Next we will recognize Mrs. Woolsey, the gentlelady from California.

Ms. WOOLSEY. Thank you very much.

In the next Congress, we are going to——

Thank you for your excellent testimony. We are going to re-authorize No Child Left Behind.

So I am going to ask you three questions that I think we have to deal with when we look at the reauthorization and the fixes that I believe need to be put in place. But I would like your quick responses, and if we run out of time, I will stay for another round to hear more from you.

First, if you could make one change to AYP to enable it to better promote academic progress and to close the achievement gap, what would it be?

Second, how can we change No Child Left Behind to ensure that the consequences for schools that are identified as in need of improvement, in fact help those schools to improve, not punish them?

Third, how can we, without more testing, ensure that schools have a broad enough curriculum so that kids are well rounded, they have social studies, art, science?

Those are my three questions.

Ms. HAYCOCK. Go ahead.

Ms. JEWELL-SHERMAN. The first question, what would I like to see changed, I would like to have the flexibility to sustain our academic gains by not having to withdraw additional resources from previously low-performing schools. The challenges continue with each cohort of students coming in, and in a district like Richmond, where we have 40-percent mobility, the students who we have in eighth grade are not necessarily students that were with us from kindergarten all the way to that point, and so, I need to be able to continue to support the kids of initiatives that we have undertaken in our various schools.

In terms of what could be done to help, taking into account some type of growth model would be extremely helpful. With an 84-percent full accreditation and 76-percent AYP, and having met the performance benchmarks in every area except one, our school division did not make AYP, and that was because .62 percent of our Hispanic students didn't score highly enough in English.

The fact that we have improved over, I think, 8 percent over the course of three years is not factored into that, and so, some measure of growth where you are actually showing growth—we are sixtenths of 1 percent away from that 95 percent benchmark in participation. So that would be extremely helpful. I am sorry. The last question was——

Ms. DRAKE. Why don't we come back to that on the second round?

Ms. JEWELL-SHERMAN. Okay.

Ms. DRAKE. Let's do one and two for you, too, Ms. Haycock.

Ms. HAYCOCK. Well, we certainly do believe that a well-done growth model addition to AYP could help. I actually would argue the biggest problem with AYP now is how it treats high schools.

We are not getting traction in our high schools, and part of the reason for that is it is a one-grade-level assessment, and it is a high school drop-out figure that, frankly, most people are lying about.

So we need to do a much more robust look at how to move our high schools ahead, because we are not getting traction there. Around your second question, actually, for me, the answers to number two and three are exactly the same, that is schools that are not making progress needs lots of very good help.

We are not giving adequate help to them. You are not funding it adequately, but more important, states need some help in beefing up their capacity structure.

So we really need to beef up their capacity structure. And if we do that well, frankly, the third problem you talked about, which is the kind of narrowing of the curriculum, will go away. Because, if I wasn't clear earlier, I should have been, in schools with high aca-

demic achievement that serve low-income kids, we don't see narrowing, we don't see rote teaching, we don't see teaching the test.

We see, instead, something very different from that, kids taught to standards, through projects, through high-level instruction, and teachers in low-performing schools need to see that.

They need to know that, if they teach narrowly, they are not actually going to make progress. So if we do number two well, number three will take care of itself.

Ms. WOOLSEY. Thank you. Would you like to answer the third one?

Ms. JEWELL-SHERMAN. I am of two minds. You know, it is very easy to say, as has been said in my district, that standards of learning and meeting these benchmarks are not that important. However, until you meet them, you are under incredible pressure.

Now that Richmond Public Schools, as an example, has achieved a great deal of success, we are able to focus a lot of our energies on ensuring that the SOLs are not our sole target. We are looking more closely at dual enrollment participation and SAT scores.

We have implemented things like foreign language programs at the elementary school, so that, ultimately, all of our students will graduate at least bilingual, and I would add, too, that there is a learning curve for teachers, and bringing them up to the point where they are able to teach using higher order thinking strategies has been a learning process for us as a school division, and more and more, our teachers are stepping up to the plate.

So we are seeing a commensurate effort in improving our achievement on these kinds of benchmarks, while expanding what we call a quality education in our school district.

Ms. WOOLSEY. Thank you very much.

Ms. DRAKE. Thank you.

The gentleman from Nebraska, Mr. Osborne.

Mr. OSBORNE. Thank you, and thank you both for being here. Your testimony has been excellent.

Ms. Haycock, I noted that you referred to the highly qualified teachers, part of No Child Left Behind, as being apparently less than what you would like to see. You also indicated that states can do pretty much whatever they want to do. The district I represent is very rural and we are having a lot of problems, because sometimes a teacher may be required to teach chemistry and physics and math, and in many cases, it is just not economically feasible for them to be qualified in every one of those areas. I wondered if, in your travels and in your observation, what would you recommend that we do in those kinds of cases. Because we certainly want teachers that are qualified, but at the same and by the same token, there are certain realities that we just have to look at.

Ms. HAYCOCK. It is interesting you should ask. One of the issues that I was in North Dakota to talk about is that very issue.

They, like you, are an extremely rural state, with lots of very small schools and districts. There is no question that it is harder in small schools and rural areas to get teachers who have a strong grounding in their subject, but here is the question.

We have essentially two choices about how we can handle that problem.

We can either just slap a label on the teachers and say, oh, you are highly qualified, even if we know they actually don't have the strong grounding. Or we can say, which is what you said in the law, we need to give those teachers some extra support and education in the subjects they are teaching but don't have a strong grounding in. That actually was the intent behind the law, but the problem is, again, when people just rush to say, oh, we can never do this, so let's just declare them highly qualified, instead of saying no. The point here is to provide them with extra help in learning that subject matter, so the kids they are teaching actually have teachers who know their stuff. Unfortunately, a lot of states didn't step up to that, so they are not spending the $3 billion you gave them on teacher quality to help those teachers.

They, rather, just said they are highly qualified, because we could never get teachers in the rural area that know this. I think that has not been good for teachers, and it certainly has not been good for kids.

Mr. OSBORNE. Well, I certainly understand what you are saying, and I guess all of us would like to see very highly qualified teachers all across the country, and yet, you can frequently hear the complaint that, well, we are being asked to do all these things and we are not being given enough funding to do this. We have got some of the accounting offices saying, well, yeah, you are giving them enough money, but what you hear over and over again out in the countryside is we are really not being given enough money to implement it. And so, therein lies the rub, you know, because these folks, particularly in some of the rural areas, where they just don't have much funding, and they are really stretched, and like the READ money—$20,000 is a huge deal to these people. They are very frustrated, and I guess we could just say, well, you know, you have just got to go train these people, and you have got to get it done. I understand that desire, but I am just relaying to you some frustration that I am hearing, and maybe there is nothing more we can do about it than just say, well, you have to get it done.

Ms. HAYCOCK. Well, there are more things we can do about it, and frankly, I think what we haven't done is ask higher ed to play a more active role here, and that is actually why I was in North Dakota. It was the university system getting together and saying how could we support these teachers? How could we both prepare more teachers to teach in these small rural communities, but how can we provide, through distance learning, through other sorts of means, the support that teachers who may were history majors in college actually need now that they are teaching science as well.

So I think, through a joint effort of K-12 and higher education, we can get that done if we don't just slap a label, highly qualified, on them, and acknowledge they actually need some help.

Mr. OSBORNE. Okay. Well, thank you. Mr. Chairman, I yield back.

Chairman BOEHNER [presiding]. The Chair recognizes the gentlelady from Minnesota, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank you both for your testimony.

Because Minnesota schools were cited, I think sometimes it is important to understand the history and to know what the num-

bers actually mean. I represent St. Paul, Minnesota. I represented St. Paul, Minnesota, in the Minnesota House. I was very pleased when Patricia Harvey was hired, but she was hired seven years ago, not five years ago.

Minnesota started putting reforms in our schools nine years ago, more dollars into testing to find out what our achievement gap was, to address it.

So the reforms that we are seeing and the reforms that you mention are not just due to Leave No Child Behind, and I think the record has to reflect that and we have to be accurate when we reflect that we do have an achievement gap in Minnesota. We are very concerned about the achievement gap. Minnesota ranks, on college entrance exam, SAT scores, very, very high nationally. We are always in the top, and I have the numbers that I am going to submit for the record.

I am not saying that we don't want to work to even make it better for every single one of our students, especially our students of color, but overall, white students rank 600 in math.

The mean score is 536. Black students in Minnesota rank 511. That mean score nationally is 433.

So we want to do better, but I think, when you are citing states and putting them in there, sometimes people who don't understand that every state has its own way of reporting testing results. The states report different averages, and then try to take the timeframe of Leave No Child Behind in there, which doesn't necessarily paint an accurate picture of what is going on in Minnesota. I understand Mr. Scott has asked me to yield some time.

Ms. HAYCOCK. Could I respond to that briefly?

Ms. MCCOLLUM. Certainly, but I want to be fair to Mr. Scott, because there is a vote going on.

Ms. HAYCOCK. I think I was pretty clear not to attribute anything to No Child Left Behind other than putting some wind behind the sails of educators who are trying to make a difference. But I will tell you that, in both Minnesota and many other states, the reform effort began earlier. But if you look at the numbers, what you will see is little or no progress in narrowing gaps in the years prior to No Child Left Behind. In Minnesota, for example, it was a 2-point reduction in the gap in the years prior, and then you see in the year following the implementation of the law, you see an immediate change.

Ms. MCCOLLUM. The changes were in place. Those are Minnesota changes, and I have read your article on Dayton's Bluff. Dayton's Bluff is in my district.

Dayton's Bluff is one of the schools that we targeted with extra dollars. The extra dollars have all been now cut by the state legislature, because they have to fund Leave No Child Behind. And so, we share the same goals, but I think all politics is local. I think I understand Dayton's Bluff quite well and what has happened in the St. Paul school district, and we need to do so much better. I am not saying we are there yet. I yield to Mr. Scott.

Mr. SCOTT. Thank you, and I thank the gentlelady for yielding.

I just want to welcome my superintendent——

Ms. JEWELL-SHERMAN. Thank you.

Mr. SCOTT.—Ms. Jewell-Sherman, who is an undergraduate from New York University, Master's from Keene College and Harvard University, and a doctorate from Harvard University.

I know she mentioned a lot of the remarkable progress she has made, and I think one of the things she did not mention was the fact that, when she was hired as superintendent of schools, the Richmond public schools had 10 schools that had been accredited, and her contract required her to either increase that to 20 or get fired for cause. She increased it to 23, and now, last year, it was 39, and preliminary results now, it's up to 43 of the 51 schools who will receive accreditation, and that is just remarkable progress.

At the same time, she reduced truancy about 40 percent.

Now, one of the things in No Child Left Behind that we are having a little trouble with is when you try to determine whether or not you have made progress, there is a perverse incentive to let people drop out, because they are dropping out from the bottom. If you have a real good high dropout rate, your scores will go up.

So you have got that perverse incentive, and my question that I know we don't have time for an answer, but I would like for them to submit for the record what No Child Left Behind does, and how the regulations encourage dropout prevention programs rather than encourage dropout prevention. I appreciate the gentlelady for yielding.

Chairman BOEHNER. The Chair recognizes the gentleman from Massachusetts, Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman.

I just want to address one thing before we go. That is, we have allowed the standards for what states dictate what students should know, what they will be able to do, and the rigor by which we apply those standards vary from state to state.

I am not sure that—you know, that has got a lot of discord going. I know schools who have set the standards high, obviously feel very upset that others have set their bar low so they get a free ride on this thing.

What should we do about that, and how will we go about doing it?

Ms. HAYCOCK. I mean let's be honest. We have been engaging in a bit of a charade. We basically have allowed people to say, hey, math in Mississippi is different than math in Minnesota. You know, if we are going to head into the 21st century more competitive, we need to stop doing that.

That said, that is a very tough—it is a very tough act.

You put an important step in place when you required state-level NAPE assessment, and those reports do, in fact, put pressure on states that have set their standards quite low. When people say, whoa, why is it that you are telling us 80 percent of our kids are proficient, and on NAPE, only 20 percent are, but the law itself now provides a bit of a disincentive for states to raise their standards. One of the things that you will clearly have to come back to in reauthorization is how can we provide a strong incentive for states to raise their standard to something closer to the NAPE level, so we can actually join the 21st century.

Mr. TIERNEY. Obviously, we need a competitive strategy. In your own recent article when you look at the numbers, how they stack

up, to other countries on that, we have got to find a way to say that everybody in this country, no matter what state you are from, students are ready to do whatever it is they want to do when they get out of high school, whether it is go to work or go to higher education. And the requirements for preparing students aren't that much different. You need the same skill set and knowledge to do that. I think you are absolutely right.

We have to do something in this law that no longer lets people escape through this myth. So, I thank you for that.

Mr. Chairman, you and I can chat some more about that later. Thank you.

Chairman BOEHNER. Thank our witnesses for coming today. We have several votes on the floor, and I want to be polite to our witnesses and to our guests, and so, I want to thank you again for your willingness to come, and thank all of our guests, and this hearing is adjourned.

[Additional submissions for the record:]

Prepared Statement of Hon. Jon C. Porter, a Representative in Congress From the State of Nevada

Good Morning, Mr. Chairman. Thank you for holding today's hearing on the continuing implementation of the massive education reform, the No Child Left Behind Act. I would also like to welcome Secretary Spellings to the committee. Her leadership has allowed for the federal government to highlight the inherent flexibility in the law, and I am confident that this aspect of the law will continue to serve our children and communities, while improving academic success. I would also like to welcome our second panel of witnesses, whose practical experiences are absolutely necessary to continue improving federal education programs.

As the federal government continues to work with state and local education agencies to close the achievement gap in this country, our committee must continue to monitor the implementation of the landmark reforms of the No Child Left Behind Act. As we begin to see the preliminary results of the supplemental education services provisions of the 2001 law, it is important that we keep in mind the end result-the increase in achievement regardless of socio-economic status. By providing our most vulnerable children with extra academic resources, we are better able to ensure academic success.

As the representative of the nation's fifth largest school district, I am all too well aware of the problems faced by large urban school districts. Additionally, I am cognizant of the need for these school districts to implement policies and standards that meet the needs of their students. As the federal government continues to implement NCLB, it is imperative that this committee be aware of the challenges faced by school districts and of the need for continued flexibility during implementation.

We must seek at the federal, state, and local levels for common sense approaches to educating our children. I applaud Secretary Spellings for understanding the needs of individual school districts and hope that this level of accommodation of needs, without loss of achievement will continue. Congress, and this committee, continues to face the challenge of closing the achievement gap, while ensuring that our children are provided with the tools they need for success in the work place. These goals need to continue through the high school level. I look forward to bringing the benefits of the No Child Left Behind reforms to the high school level. We must continue to take what we have learned and apply it to our future endeavors.

Again, thank you Mr. Chairman for holding today's hearing. I also appreciate the Secretary's presence and her continued dedication to education in our nation. I look forward to hearing the testimony of our witnesses, and am confident that their insights can aid us in our continuing pursuit of excellence in education.

Additional Responses Submitted by Kati Haycock, Director, the Education Trust

Question: There are critics of No Child Left Behind who claim that there are some students who will never be able to achieve at the same level as other children. How do you respond to those who say there are some students who simply can't learn?

Response: First, it is important to define what No Child Left Behind (NCLB) expects, which is that virtually all children will be taught up to the level of proficiency in reading and math. This does not mean that all students will be taught up to the same level—some students will far exceed standards, and there will always be a range in student achievement. The goal of NCLB is to lift that range, so that all young people get the fundamental skills that enable them to be competitive in the world of work and to be active participants in our democracy.

It is true that there are some students who, even with the most effective instruction and supports, will not be able to read or do math with proficiency. We need to make sure that NCLB's accountability system is sensitive and fair to the exceptional circumstances presented in teaching and assessing students with significant cognitive impairments. But we also know that far too many students traditionally have been categorized inappropriately and then taught to levels much lower than their actual ability. The challenge is to strike the right balance between (1) pressuring the system first to minimize inappropriate identifications and restrictive placements in special education; (2) having high expectations for the achievement of students with disabilities; and (3) acknowledging that some students simply are not going to meet the standards, and accounting for that in school accountability determinations. The U.S. Department of Education has allowed states to count up to 3% of all students (close to 30% of students with disabilities) as proficient when they have met individualized goals that are set lower than regular grade-level goals.

Some advocates claim the 3% exemption is too small, others too big. As an organization, we'll be looking hard at progress in the states before we take a position on that question. By the time of reauthorization, all of us should have much better data on which to make decisions about which students should be assessed outside of the standard system. Yes, some students won't be able to meet standard under any circumstances-maybe as many as 3%, maybe even more. But, as a country, we should be making the decision to exclude only with reluctance because, across the country, students who most people never dreamed could meet standards are now doing so because their schools worked very hard to get them there. We ought not to step back from the over-arching goal of ensuring that almost every student is taught to be proficient in reading and math. This goal is critically important to our economic future and to the vitality of our democracy and civic institutions.

Question: I have heard criticisms of No Child Left Behind from schools and districts that were rated highly by state accountability systems that looked at aggregate student data prior to the enactment of the law. Now that NCLB asks them to disaggregated data and look at specific subgroups the picture is not as bright. How would you respond to these schools and districts that complain the law is unfair?

Response: Congress showed great leadership in requiring school accountability determinations to be based on disaggregated data. Prior to NCLB, many state accountability systems rated schools highly even when certain groups of students, sometimes groups that constituted the majority of students, were not being well educated. Schools could compensate for under-educating certain groups by showing excellent results with other groups. This allowed achievement gaps to grow—and grow they did. Long-term trend data from the National Assessment of Education Progress indicates that gaps separating Blacks and Latinos from White students grew over the course of the 1990s

Schools can no longer be considered successful if they are not educating all groups of students they serve. This has served as a wake-up call to educators, especially in rapidly diversifying suburbs, where gaps have not received much attention and where schools have not paid much attention to accountability in the past. The focus on disaggregated data for accountability is indeed shining a spotlight on inequities that had gone unnoticed and unresolved. As one educator put it, under NCLB "there are no more invisible students."

The unfairness is that we let inequality persist for so long, not that we are confronting it now. This new definition of school success represents important progress in ensuring equality of opportunity in America. It is a definition of school success that the American public supports.

Additional Responses Submitted by Deborah Jewell-Sherman, Ed.D, Superintendent, Richmond Public Schools

Answer to Question #1: The first step in the educational reform effort was to request assistance from the Council of the Great City Schools' support team. The Team provided an external evaluation of the District's instructional department, federal programs, special education and transportation. The report findings provided

a framework for an action plan that cited the need for reform from the school board to the classroom. The action plan included revised mission and vision alignment, review and evaluation of instructional programs, designing an accountability system, designing an assessment and data management system, community partnership to effective operations and professional development.

The second step was intervention that was received from Governor Warner's PASS Initiative. This intervention focused on processes and practices to increase student achievement.

Finally, Philip Morris USA sponsored a partnership between Richmond Public Schools and the University of Richmond (Curry and Darden schools) to work with the School Board and administrators in creating a unified vision, team building, collaborative goals and the implementation of a Balanced Scorecard for management and accountability.

Answer to Question #2: The focus on subgroup statistics in NCLB has provided us with the means to target reforms. The ability to focus on subgroups to identify gaps and to develop concentrated gap reducing strategies has been essential to the development of instructional strategies and practice for all children.

The promotion of reforms and implementation thereof is extremely costly to districts. The funds directed towards the purpose are, however, reduced as student achievement increases. Funds are necessary for implementation of reforms and retention of reforms.

[Whereupon, at 12:01 p.m., the committee was adjourned.]