

Forum on Educational Accountability

www.edaccountability.org

May 5, 2010

Dear Chairman Harkin, Ranking Member Enzi, and Members of the Senate Health, Education, Labor and Pensions Committee:

The Forum on Educational Accountability bases its work on the *Joint Organizational Statement on NCLB*, a 2004 document now signed by 152 national education, civil rights, religious, disability, parent, labor and civic organizations, including many of the most prominent such groups in the nation. It represents an extraordinary coming together of people from diverse experiences, views and priorities in a statement demanding a fundamental overhaul of the current incarnation of the Elementary and Secondary Education Act (ESEA), the “No Child Left Behind Act.” The Statement addresses progress measurement, assessment, capacity building, sanctions and funding.

Building on this work, in 2009 FEA released a second sign-on statement, *Empowering Schools and Improving Learning*, which elaborated on the key points in the initial *Joint Statement* and also called for a new federal approach to enhancing equity.

We call on the HELP Committee to use these two documents as well as our more detailed reports and legislative language we drafted in 2007 as its core frame for rewriting ESEA, and we attach them.

We think it is also essential to understand that necessary reform cannot be attained by picking a few items from our proposals to insert into a new law. The critical point is that a new law requires a coherent, positive approach to school improvement. FEA has developed such an approach, and we call on Congress to use it to guide the rewrite of the law. The Administration’s Blueprint is not adequate in that regard, and retains too much of the flawed NCLB.

We also ask the Committee to invite members of the FEA to testify at hearings on the topics on which we focus in this comment.

We thank you for this opportunity to provide comment on the reauthorization of a law that will have powerful consequences, good or bad, for our nation’s children, its educators, and thus on the future of our society. In these comments, we will also respond to the “Blueprint” submitted by the Administration to the Congress. We submit first a summary of our proposed changes (p. 2), and then a more detailed set of recommendations (p. 5).

FEA Recommendations for Improving ESEA/NCLB - Summary

The Forum on Educational Accountability (FEA) has released recommendations for the reauthorization of the Elementary and Secondary Education Act (ESEA, currently “No Child Left Behind” or NCLB). These proposals strengthen public schools, improve learning, enhance equity and empower educators, by improving federal policy in the areas of assessment, accountability, capacity building, and opportunity to learn. The full reform agenda is at <http://www.edaccountability.org/Legislative.html>. FEA carries forward the *Joint Organizational Statement on NLCB*, signed by 152 national organizations.

While FEA supports some components of the Department of Education's "Blueprint," we have serious concerns about several elements, such as continued support of a model that punishes schools and educators for poor test performance, rather than providing supports to help them improve. Our plan, summarized below, ensures schools have the capacity to help all children achieve success.

On assessment:

- Require states to use multiple sources of evidence of various types (“multiple measures”) in evaluating schools.
- Support development of improved assessments, such as performance tasks and projects, which states can make available to educators and incorporate into large-scale assessments.
- Support development of state and local assessment systems that include classroom-based evidence as part of public reporting and accountability and for improving teaching and learning.
- Support use of growth and improvement approaches, provided they incorporate multiple measures.
- Ensure new assessments consider the needs of diverse learners, including use of the principles of universal design for learning.
- Reduce the amount of mandated testing, e.g., returning to requirements in the 1994 federal law (once each in elementary, middle and high schools), thus aligning the U.S. with the practices of most nations which find fewer but better assessments produce superior results.

FEA believes the Blueprint and Education Department guidelines for assessment consortia continue an overuse of testing, are weak on multiple measures, do not allow the use of local

evidence for accountability, and are unclear as to whether growth measures must incorporate multiple measures. However, they do acknowledge some value of performance items and universal design principles.

On accountability:

- Eliminate “adequate yearly progress” (AYP) requirements and sanctions, while retaining the reporting of data disaggregated by demographic group, as endorsed in the Blueprint.
- Avoid tying the goal of ensuring all students are on track to be college and workforce ready to an arbitrary and impossible 2020 deadline. Expect demonstration of reasonably attainable rates of improvement (e.g., those now achieved by schools in the top quarter on improvement rates).
- In evaluating and recommending interventions in and changes to schools or districts, use both multiple sources of evidence - comprehensive indicators - and reviews of schools and districts by qualified state teams.
- Allow a broad range of “turnaround” options, rather than the narrow menu established in NCLB, Race to the Top, School Improvement Grants, and the Blueprint. Use indicators and reviews to tailor change actions to schools’ needs. Build improvement plans from elements demonstrated to be essential to school improvement, e.g., collaborative professional development, strong leadership, parent involvement, and rich and challenging curriculum.
- Establish the principle of holding schools and districts accountable through monitoring and public reporting to ensure consistent and successful efforts to fulfill improvement plans.
- Develop a formula linking the number of schools required to engage in change activities to federal appropriation levels, rather than adopt the Blueprint provision setting specified percentages of schools subject to turnaround regardless of funding.
- Assist states and districts to develop and implement sound and fair educator evaluation policies aimed primarily at improvement, rather than the Blueprint model, which largely shifts test-based accountability from schools to educators. Good evaluation programs should include evidence of student learning, but scores from large-scale tests would play only a small part.

On public school improvement/capacity building:

- As part of high-quality professional learning, require all Title I-funded schools to provide time for staff collaboration. Strengthen educators' capacity to work with diverse learners and parents and to assess all students well. Use funds saved by eliminating mandated tutoring and transfers, as the Blueprint proposes, for professional development.
- Strengthen parent involvement and support for parents to assist in their child's learning, critical factors almost entirely absent from the Blueprint.
- Require teacher preparation programs under Title II to include one-year intensive clinical placements, as in current law under the Teacher Quality Grant Program in Title II of the Higher Education.

On opportunity to learn and equity:

- Significantly increase federal funding by making Title I and IDEA Part B mandatory federal budget items, fully funded at authorized levels. Use formulas ensuring all public schools serving needy children obtain significant support. Significantly increase support for professional development, the education of English learners, school improvement, parental involvement, and the capacity of states to assist districts and schools. Avoid the overuse of competitive grants, as proposed in the Administration's FY2011 budget, which would reduce real-dollar funding for school programs.
- Require states, with federal funding, to develop comprehensive indicator systems on the distribution within and across districts of resources important to schooling. Compile data on out-of-school indicators such as health care, unemployment and student/family mobility rates. Require states to consider this evidence in school evaluations, and to develop strategies for providing resources to overcome inequities identified by the indicators. The Blueprint acknowledges these concerns; however, its recommendations must be strengthened.

[More details on these recommendations follow, starting on page 5.]

FEA recommendations for ESEA reauthorization, with comments on the Department of Education’s “Blueprint”

In practice, NCLB has been a law that made demands that are impossible to attain, at least based on the resources made available, judged the results on an unreasonably narrow basis (scores on standardized tests), and imposed sanctions that lacked any evidence they would actually improve schools. The results include:

- one-third of schools already failing to make “adequate yearly progress”;
- slowing or stagnant rates of improvement on the National Assessment of Educational Progress (NAEP) and a failure to reduce score gaps;
- narrowing curriculum and intensive teaching to the test that undermines the quality of teaching and learning and inhibits both the education of the whole child and necessary improvements in school;
- worsening school climate and intensified harmful disciplinary processes, including an increase in expulsions, that leave many students worse off and are applied disproportionately to the very students NCLB is supposed to most help; and
- a climate of attacks on educators, blaming them for failing to overcome grievous social inequalities that the federal government itself has failed to address.

More recently, Secretary Duncan and the Department of Education, particularly in the Race to the Top program, have imposed new requirements that intensify the failings of NCLB and are no more rooted in evidence than was NCLB itself. These include:

- The mandated actions districts and states must apply to their lowest-scoring schools. Of these, only the ‘transformation’ model has any evidence it can succeed, and it is still too rigid and then available to only half the targeted schools in our large districts.
- The requirement to evaluate teachers in significant part on the very tests Sec. Duncan recognizes are inadequate and need replacing, coupled with a push to establish payment to teachers for boosting test scores. There is no evidence this misuse of test scores will improve learning outcomes, but significant evidence it will harm schools.
- The Blueprint from the Administration runs the risk that using test scores in reading and math to identify schools for the bottom 5, 10 or 15 percent will continue the pressure to reduce these schools to test preparation factories to avoid inclusion in these categories.

These and related components of NCLB and RTTT must be repudiated. Indeed, they represent an over-reaching on the part of the Department that goes well beyond the authorized authority in either ESEA or the ARRA. A new law needs to start from different premises and include different components, as outlined in the *Joint Statement* and *Empowering Schools*.

That said, the federal government has vital roles in improving the quality of education and gaining real equity for all students.

Based on ongoing work growing from the *Joint Statement* and other papers the alliance has released over the past six years, FEA has established four priorities for the reauthorization of ESEA:

- Assessment
- Accountability
- School Improvement/Capacity Building
- Opportunity to Learn and Equity

FEA therefore makes the following recommendations to Congress, which include responses to the Administration's Blueprint as they relate to FEA's key areas of concern.

On assessment, the federal government should follow the general recommendations of FEA's Expert Panel on Assessment (attached) which provides valuable detail on developing a comprehensive assessment system. The new law should:

- require states to use multiple sources of evidence of various types ("multiple measures") for the evaluation of their schools under Title I;
- support the development of improved assessments, such as performance tasks and projects, that states can gather in electronic libraries and make available to educators for their use, as well as use some of them in on-demand assessments;
- support the development of systems of state and local assessments that can include classroom-based evidence as part of public reporting and accountability as well as for teaching and learning;
- support the use of growth and improvement assessment approaches, provided they incorporate the use of multiple measures;
- support the provision of extensive professional development opportunities for teachers to learn to develop and use assessments *for, as* and *of* learning, including the ability to identify students' strengths and weaknesses and address their learning needs ("formative"

assessments), but do not foster the growing use of low-quality, commercial products being sold as ‘formative’ or ‘benchmark’ assessments;

- ensure that new assessments and professional development take into account the needs of diverse learners, so that assessment development employs tools such as universal design for learning, consideration of possible accommodations are addressed during assessment design, and professional learning prepares teachers to succeed with the full range of our nation’s students; and
- reduce the amount of mandated testing, such as to the amount required by the 1994 ESEA (once each in elementary, middle and high schools). This would bring the US into agreement with the practices of most nations, including those with substantially better educational outcomes than the US. Over-testing is a failed policy.

Unfortunately, the Department’s *Blueprint* and its Guidelines for applications from assessment consortia continues to require the overuse and misuse of tests. They do not support the development of combined state and local assessment systems rather than merely new standardized tests. Their stated support for better assessments also fails to make sufficiently clear this means strong reliance on performance assessments. Support for growth measures unfortunately seems to reduce such measures to a second way to use the same standardized test results, rather than rely on multiple measures. Similarly, the Department fails to address the proper use of formative assessments or seek to inhibit misuses of mini-tests that are mislabeled as “formative.” It clearly is interested in improved professional development, but did not make clear this should include teachers working together to improve assessment practices. Its stated and welcome interest in improved assessments for diverse learners must expand to supporting such approaches in more comprehensive assessment reform.

Finally, the Department’s efforts to force states to evaluate teachers, principals or other staff “in significant part” based on student test scores is a serious misuse of standardized testing. Its foreseeable consequences include more intensive teaching to the test, increased teacher anger and departure from difficult teaching situations, and a doubling of the amount of testing such as fall and spring testing in order to judge individual teachers.

On accountability, the federal government should adopt the FEA approach toward balanced accountability. This would include:

- eliminating AYP and the consequent sanctions, replacing them with other approaches to defining educational goals, evaluating progress in school improvement, and helping schools improve. These can include such things as:

- reporting whether each school has attained at least a rate of improvement (on comprehensive evaluations) similar to what solidly improving schools now attain (e.g., schools at the 75th percentile in a ranking of rate of improvement);
 - supporting states to develop comprehensive indicators of schools and districts ('report card') -- including inputs/available resources within and outside of schools, climate and processes, learning outcomes, and improvement efforts -- and to organize such indicators in ways that facilitate improvement efforts; and
 - helping states to develop school quality reviews/inspectorates, through which expert teams provide periodic evaluations of schools and make recommendations for improvement;
- establishing the principle of holding schools accountable through public reporting for reasonable and consistent efforts to improve. This can be done in significant part by requiring states to establish means of evaluating school progress and to use reports on such efforts, as well as the 'report card' and 'inspectorate' (where undertaken), to enhance public awareness of such efforts;
 - revising the RTTT and "School Improvement Grant" requirements now applied to the lowest-scoring schools so that:
 - an additional model in which districts and schools would propose comprehensive reforms that address reasonable criteria (see below), are flexibly tailored to local needs, and are approved by the state;
 - the "transformation" model is allowed for all schools in every district, while made more flexible and addresses the criteria noted in the bullet above, which criteria should apply to all turnaround models;
 - criteria all turnaround proposals must address would include collaborative professional development, strong leadership, parent involvement, rich and challenging curriculum, indicators of success in addition to assessment results, and how improvement efforts will be evaluated. Some of which are elaborated as "systemic changes" in FEA's attached report, *Redefining Accountability*, pp. 6-7, #1-6 and p. 12, #1-4,); and
 - states and districts would develop and implement sound and fair educator evaluation policies and programs that are aimed primarily at helping educators improve, which would include evidence of student learning but in which scores from large-scale tests would play a very small part.

The Department's Blueprint makes an important step forward by essentially ending AYP for at least 80% of the nation's schools, and ending the requirement that 20% of Title I funds be spent for tutoring and transfers. That money could instead to be spent to implement other school improvement strategies.

We remain concerned that the Blueprint requires the four flawed improvement procedures mandated in RTTT and in School Improvement Grants for the lowest-performing 5% of schools (see attached FEA comments on RTTT and SIG draft guidelines). We object to the "transformation" and "turnaround" models' requirements for the automatic removal of principals without regard to whether they have ever been evaluated well or given assistance, whether they have been in their positions for a long enough time to hold them responsible, such as two to three years, and whether well qualified replacements are available. We also object to the "turnaround" model's requirement to replace at least 50% of staff, without any determinations as to the performance or capacity of the individual staff members to be removed and the availability of qualified replacements.

As to the second lowest-performing 5% category of schools in the Blueprint, it is unclear what is meant by mandating use of "research-based, locally determined strategies to help them improve." In the reauthorization, these schools should be required to concentrate on implementing core strategic improvement strategies, including the criteria noted above and strategies developed in *Redefining Accountability* regarding professional development, parent involvement, and support for families. As to the third category, the "achievement gap" schools, we are concerned that the proposed interventions may focus solely on supporting the individual students who are "farthest behind" and might result merely in tutoring or test preparation programs to boost test scores of individual students, rather than dramatically improving the schools' general expectations, beliefs and practices necessary to provide these students an effective education.

As noted above, we also strongly oppose requirements that student standardized test scores be "significant" factors in evaluating teachers, principals or other staff. Far more useful would be federal support for states, districts and schools to develop high quality evaluation procedures, of which student learning can be a part, but scores on standardized tests a very small portion. Any potential sanctions need to be preceded not only by implementation of sound evaluations, but also by appropriate mentoring, peer collaboration and professional development.

We appreciate the Department's inclusion of the concept of school quality reviews. However the vague language makes it unclear what purposes the Department sees for such reviews. And while the Department is willing to allow states to use more data than test scores, far too often it falls back on those test scores as the near-sole evaluation factor in its various program and competitive grant proposals.

- In addition, we are concerned that demands will be placed on schools that are not supported with adequate funds to make necessary improvements. Based on RTTT language on the costs of turning schools around, it would seem that at least \$3 billion/per year must be available to support 5000 schools, of which 1000 or more would be high schools. If schools are required to implement a turnaround model, the funding in the amounts the Department has determined are needed must be available. Thus, the percentage and numbers of identified schools should not exceed the funds actually appropriated to support their transformations; an appropriate formula to accomplish this should be devised.

On public school improvement/capacity building, the federal government should, in addition to the steps above:

- require that all Title I-funded schools provide time for staff discussion and collaboration, including during the school day where feasible, thereby helping to develop strong cultures of collaboration and cooperation, creating communities of learners among staff and strengthening educators' capacity to work with diverse learners and parents and to assess all students well.
- require high-quality professional learning in all Title I schools, so that professional learning is guided first of all by the needs educators themselves establish, as outlined in FEA's report (*Redefining Accountability*, p. 6, I.1.). An amount equal to 20% of Title I should be provided for this purpose. In addition, the new law should support teacher recruitment and teacher preparation programs that address the underrepresentation of qualified minority teachers in our nation's schools.
- require an amount equal to 5% of Title I funds be divided equally between school programs to strengthen parent involvement in all Title I-funded schools and programs to provide parenting skills and adult literacy to enable parents to better assist their child's learning plus adult mentoring programs for children without families available to provide such support (*Redefining Accountability*, pp. 11, 12, #1., 2., 3.);
- increase and enhance specialized instructional support personnel/services (currently known as "pupil services") to address barriers to student success through direct services to students and supports to teachers and administrators; and.
- provide states with an amount equal to 2% of Title I funds to strengthen their ability to provide support for improvement and capacity building to their districts and schools.

- Require teacher preparation programs under Title II to include one-year intensive clinical placements, as in current law under the Teacher Quality Grant Program in Title II of the Higher Education.

On these points, the Department says some good things, but they tend to be far too general or too weak, such as on professional collaboration and on ensuring that professional learning is significantly guided by the needs educators define for their schools and districts. If the Blueprint's proposal to end the mandate to use 20% of Title I funds for transportation and supplemental services becomes law, some or all of those funds could be directed to professional development. The Blueprint essentially fails to mention parents, whose involvement in school improvement is essential. It also would apparently have pupil services brought in or performed by "community organizations," potentially jeopardizing important services performed by school-trained, school-employed professionals.

On opportunity to learn and equity, the federal government should:

- Significantly increase federal funding by making Title I and IDEA Part B mandatory federal budget items, fully funded at authorized levels. Use formulas ensuring all public schools serving needy children obtain significant support. Significantly increase ESEA support for professional development, the education of English learners, school improvement, parental involvement, and the capacity of states to assist districts and schools. Make this funding formula driven, avoiding the overuse of competitive grants, as proposed in the Administration's FY2011 budget, which would reduce real-dollar funding for school programs.
- Require states, with federal funding, to develop comprehensive indicator systems on the distribution within and across districts of resources important to schooling. Compile data on out-of-school indicators such as health care, unemployment and student/family mobility rates. Require states to consider this evidence in school evaluations, and to develop strategies for providing resources to overcome inequities identified by the indicators.

We appreciate that the Department has adopted language very similar to FEA's call for states to gather opportunity to learn data and develop plans to ensure equity and adequacy. However, it is phrased as a request and there are no enforcement provisions. Further, the language in the Blueprint remains too vague and should include the kinds of data called for in *Empowering Schools*, sec. 9, "Comprehensive indicator system" (attached).

Conclusion

The two Statements, supported by the two attached FEA reports, our comments on RTTT and SIG, and legislative language FEA wrote several years ago (also attached) provide many of the details the committee needs to write legislation that can establish a strong, supportive role for the federal government in school improvement efforts, but one that would not encourage the federal government to overreach and micromanage. Many organizations that signed our Statements have also developed related, valuable materials, as have other alliances, such as Rethink Learning Now and the Broader, Bolder Approach.

In sum, the FEA approach will end the test and punish cycles established by NCLB that made the law, in the words of House Education Committee Chairman George Miller, possibly “the most tainted brand in America.” The FEA approach counters the intensification of NCLB’s flaws in some components of RTTT that are carried over to the Blueprint. The FEA approach outlines a federal role that can greatly strengthen equity, provide strong and educationally beneficial accountability, and put tools such as assessment and professional learning in the service of ensuring that every school provides a strong learning environment for each and every child.

We thank you for your attention and welcome the opportunity to provide invited testimony and to talk with you and your staff about the ideas developed in this letter.

A handwritten signature in black ink, appearing to read "Monty Neill". The signature is fluid and cursive, with the first name "Monty" written in a larger, more prominent script than the last name "Neill".

Monty Neill, Chair
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Note: The Forum on Educational Accountability includes some of the organizations that have signed the *Joint Organizational Statement on No Child Left Behind*. Signers agree to the goals of the *Joint Statement* and seek to implement its recommendations. Additional statements made by FEA reflect this commitment and are reviewed by Joint Statement signers, but may not reflect all individual positions taken by signatories.

Attachments

- *Joint Organizational Statement on No Child Left Behind*
- *Empowering Schools and Improving Learning*
- *Redefining Accountability: Improving Student Learning by Building Capacity*
- *Assessment and Accountability for Improving Schools and Learning*

- Comments submitted to the U.S. Department of Education in response to Race to the Top draft guidelines
- Comments submitted to the U.S. Department of Education in response to School Improvement Grant draft guidelines
- Legislative language for changing significant portions of NCLB in accordance with FEA recommendations as of March 2007.