

Forum on Educational Accountability

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www.edaccountability.org

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Dear Chairman Miller, Ranking Member Kline, and Members of the House Education and Labor Committee:

The Forum on Educational Accountability bases its work on the *Joint Organizational Statement on NCLB*, a 2004 document now signed by 151 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*, that 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 Committee to use these two documents as its core frame for rewriting ESEA, and we attach those documents.

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.

And 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.

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. 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:

- reduce the amount of mandated testing, such as 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 achievement and improvement than the US. Overtesting is a failed policy.
- require states to use "multiple measures" (multiple sources of evidence of various types) 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 for 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;
- support the use of growth and improvement assessment approaches; such approaches must 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); and
- 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

and professional learning prepares teachers to succeed with the full range of our nation's students.

Unfortunately, the Department's *Blueprint* continues to require the overuse of tests. It does not indicate that it will support the development of combined state and local assessment systems rather than merely new standardized tests. Its stated support for better assessments also fails to make clear this means strong reliance on performance assessments. Its 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. It clearly is interested in improved professional development, but did not make clear this should include teachers working together to improve assessment practices. Its interest in improved assessments for diverse learners must expand to supporting such approaches in more comprehensive assessment reform.

Finally, we recognize that the Department will soon issue guidelines for states to apply for the \$350 million in RTTT assessment funds. We will submit further comments to the Committee in response to those guidelines.

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:
 - the “transformation” model is allowed for all schools in every district, while made more flexible;
 - in the future, schools are identified for interventions based on the approaches above, are required to implement the “systemic changes” specified by FEA’s report *Redefining Accountability* (attached), pp. 6-7, #1-6 and p. 12, #1-4, and the other improvement actions they take are not limited to the menu for the “transformation” model but tailored to the needs of each specific school (in which approaches such as school quality reviews can be very helpful); and
 - helping states and districts 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 been in their positions for a long enough time to hold them responsible, such as 2 years, and without regard to 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. These requirements should be limited at least in the above respects and emphasis on interventions should be put on revising the “transformation” model to include all the most significant systemic improvement strategies. Regardless of the model selected, all identified schools should be required to implement a few core improvement strategies, including those outlined in FEA’s *Redefining Accountability* (attached).

As to the second lowest-performing 5% category of schools, 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 those 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.

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 location of this topic under “turnaround” and the vague language makes it very 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 match 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 during the school day, thereby helping to develop strong cultures of collaboration and cooperation, creating communities of learners among staff;

- 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.

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 does not mention parents. It apparently would 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:

- markedly increase funding using fair formulas to ensure all needy children obtain significant federal support at their public schools. FEA calls for Title I and IDEA Part B to be made mandatory federal budget items and fully funded at the authorized levels. This would mean greatly more federal support than the Administration proposes, and it would be formula-driven, not subject to competitive grants, which might better be used for pilot and research projects.

- require states to develop comprehensive indicator systems on the distribution of inputs important to schools, from teachers and support staff to libraries and technology to buildings; on school climate; and on out-of-school factors such as health care that significantly affect student learning; and
- require states to develop strategies for providing resources for overcoming the inequities identified in the indicators.

We appreciate that the Department has adopted language very similar to FEA’s call for gathering opportunity to learn data and developing 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 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.

But 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.

In sum, the FEA approach will end the test and punish cycles established by NCLB that made the law, in the words of Chairman 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.



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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.