

# MISSISSIPPI ASSOCIATION FOR ASSESSMENT REFORM (MAAR)

## MARCH 27, 2005

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More good news about students taking action. "A little child shall lead them. . ."

MIDDLE SCHOOL STUDENTS OPT OUT OF TESTS  
Greeley (CO) Tribune -- March 24, 2005  
by Brady McCombs

A Brentwood Middle School eighth-grader has rekindled the controversy surrounding the annual Colorado Student Assessment Program.

With her mother's permission, 14-year-old Antoinette Medina opted out of this week's CSAP tests. Antoinette and her mother, Terri Medina, said the standardized tests put too much pressure on students.

"It's not for a grade or anything," Antoinette said. "I don't see the point in doing it. They should know how you are doing."

Her decision has placed Brentwood Middle School principal John Diebold in a quandary.

He said that 10 of the school's 670 students opted out of this year's standardized tests, more than any previous year. He has to honor the parents' right to choose while dealing with the negative affects the decisions have on his school.

When a student opts out of the test, the school receives a minus score for that test, which affects the "report card" the school receives from the Colorado Department of Education. Diebold said he uses the test results to gauge what they are doing well and what they need to improve.

"When parents have their kids opt out of the test it's hard to get the total picture of what your school's capabilities are because your whole school is not testing," Diebold said. "There are no legal ramifications, but it wouldn't be something I would advise."

Terri Medina, 35, of Greeley said Brentwood officials did more than advise her to restrain from excusing her daughter from the tests.

She claims that they told her and Antoinette that she would have to pick up trash and do chores if she didn't take the test. Diebold called the allegations "absolutely false." He said it was a misunderstanding on Terri Medina's part.

Diebold said the misunderstanding stems from a story an assistant principal relayed to the family. He told them about a group of students who opted out of the CSAP tests in 2004 and became bored after hours of reading and doing homework and asked if "there was anything else they could do." The school gave them the option of going outside to pick up trash.

"Nobody was ever required to do that nor would we make anybody do that," Diebold said. "No one is getting punished."

Antoinette stayed home from school Tuesday because she feared she'd have to pick up trash. Her mother said Diebold has since assured her that her daughter will not have to pick up trash or do chores when she returns to school today. Diebold said the students who opt out of the test spend the day doing homework and reading in a classroom supervised by a teacher.

Nonetheless, Terri Medina said she remains upset.

She said schools should tell parents that they have the option to opt their children out of the tests. She insists that her daughter is a bright student who scores well on tests, especially in language arts and reading. She said she hopes more parents find out about the option to opt out of the test from her daughter's actions.

"I just think it's wrong that they don't inform parents that they can opt their children out of the test," said Terri Medina. "They have enough pressures at school as is. Why make them go through this?"

Terri Medina found out that parents could opt their children out of the standardized test when she met Don Perl, who advocates against the standardized tests, on the University of Northern Colorado campus. Terri Medina is currently studying human rehabilitation services at UNC.

Perl said CSAP tests do not reflect learning, create a societal gap between the haves and the have-nots and overwhelm school districts in pressure.

"Everyone is swimming in a culture of pressure," said Perl, a former district school teacher and Spanish teacher at UNC. "So many decisions are based on the results of one test."

Linda Gleckler, District 6 deputy superintendent, said that parents can opt their children out of the tests the same way parents can excuse them from participating in a school music concert or physical education activity.

Gleckler said, "it doesn't happen very often, but it's not something

unusual."

In 2004, 7,965 students took the CSAP math test while 89 opted out. In the reading and writing test, 9,207 took the tests while 94 opted out. She said they see the highest opt-out numbers in the high school and the fewest in elementary school.

John Evans Middle School has one student out of about 800 who has opted out of the CSAPs, which begin today, said assistant principal Mark Romero. Maplewood Middle School principal Bob Billings said they have received two requests to opt out of the tests that begin next week.

Diebold acknowledges that the CSAPs aren't perfect but he said they are a useful diagnostic measurement tool for both the student and the school. He reminds parents that the tests prove useful practice for children will have to take the ACT or SAT standardized tests to go to college.

The whole thing has Diebold worried.

"I'm concerned with students opting out because it could affect our school rating," Diebold said. "And a lot of the kids opting out would do extremely well in the CSAP."

<http://www.greeleytribune.com/article/20050323/NEWS/103230066/-1/rss01>

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### Red flag raised on state dropouts

The problem among blacks and Latinos is at the crisis stage, a study warns.

By Laurel Rosenhall -- Bee Staff Writer

Published Thursday, March 24, 2005

Only about half of California's African American and Latino ninth-grade boys graduate from high school within four years, a new study reveals.

The report, "Confronting the Graduation Rate Crisis in California," is being issued today at a conference in Los Angeles where civil rights advocates and education researchers will present findings on racial disparities in high school graduation.

It's part of a national campaign that has led to legislative changes concerning high school graduation reporting in Illinois and Ohio.

Researchers at the Civil Rights Project at Harvard University, which produced the report, are hoping for stronger results in California. They say the state's high overall dropout rate and even higher dropout rate for most nonwhite students amounts to an "educational and civil rights crisis" that will cost billions in lost wages, more prisoners and greater dependence on public health care.

"If students don't make it through high school, they really don't have any kind of chance in our economy," said Gary Orfield, author of the report and director of the Civil Rights Project. "And if communities don't make it through high school, their future is very severely threatened."

Across the state in 2002, the report says, 57 percent of African American students and 60 percent of Latino students graduated on time, compared with 78 percent of white students and 84 percent of Asian students. Among all racial groups, the graduation rate for boys was several percentage points lower than for girls.

The Harvard report examines graduation rates by racial group, something the California Department of Education does not do. State figures show only that 87 percent of all students are graduating.

The Harvard report disputes that figure - and the method the state uses to calculate it, saying that 71 percent of California students are making it through high school.

Harvard's numbers are worse in urban school districts that serve large proportions of nonwhite students.

For instance, in San Juan Unified - where enrollment is largely white - Harvard shows a higher graduation rate than that reported by the state. But the report says that in the Sacramento City Unified School District, 53 percent of all students graduate in four years. When broken down by race, 41 percent of Latino students and 38 percent of African American students graduate on time.

"It is a scary epidemic that's happening with our African American children," said Jacqueline Webb, whose son attends Florin High. "It really needs to be looked at deeply."

Webb is doing more than looking at the problem - she is trying to solve it at Kennedy High School, where she works as a college and career counselor. By mentoring African American students and leading a group for African American parents concerned about the achievement gap, Webb hopes to bring about positive change.

"We want to see where the breakdown is and where it started - was it at elementary school? Is it study habits? We want to look into the relationship between parents and teachers," she said.

Sacramento City administrators said the report, while disturbing, does not reflect their two-year reform effort. Because of high dropout rates and

gaps in achievement between racial groups, the district began overhauling its high schools during the 2002-03 school year. The Harvard report looks at data from the year before.

The district's reform movement is "aggressively focused on issues related to the information in this report," Associate Superintendent Arturo Flores said.

By creating new small schools, breaking large schools into smaller "learning communities," requiring teachers to work together to analyze student test data and developing classes that appeal to students' interests, the school district is actively trying to boost graduation rates, he said.

"If kids aren't graduating, then we're condemning them to a life of poverty," district spokeswoman Maria Lopez said.

Information on high school graduation and dropout rates long has been a source of controversy because different ways of calculating the information produce different results.

No approach yields an exact picture of how many students graduate because students are not tracked when they move to another school, district, state or country.

That will change when California starts assigning student identification numbers that will follow students throughout their years in the education system.

State schools Superintendent Jack O'Connell said he expects the student ID system to be implemented in about a year. It would take another four years before accurate data on graduation rates becomes available, he said, because the best information will come from tracking students as they progress through high school.

"The dropout rate and the graduation rate are legitimate issues. They are a major priority in education," O'Connell said. "We are concerned with the number of students that are dropping out, and we want to increase graduation rates."

The California Department of Education calculates dropout rates based on individual schools' accounting of how many students leave their school, and where students say they're going.

Harvard researchers criticize this method, saying the information rarely is verified. Students might say they are leaving one school to transfer to

another, but there is no way to know if they enroll or leave the education system altogether.

"There are many ways you can not be counted as a dropout and not graduate high school," Orfield said.

For example, he said, students who go to jail are not counted as dropouts.

The Harvard report calculates the graduation rate by counting the number of students who move from one grade to the next and then on to graduation.

Discrepancies exist between graduation rates calculated by the Civil Rights Project and education departments in all of the states they examined, Orfield said.

North Carolina reported that 97 percent of its high school students graduate, but the Harvard study showed 64 percent. In Texas, the state reported a graduation rate of 81 percent, and Harvard researchers said it was 65 percent.

The state-by-state reports are part of a larger effort to highlight the racial inequities in the American education system so that policy-makers can eliminate them, Orfield said.

He hopes to meet with California legislators next month.

"We think more needs to be done," Orfield said. "It's a life or death issue for California."

On the Bee's website you can view a Graphic on High school graduation rates [52k GIF] <http://www.sacbee.com/static/live/news/images/0324grad.html>

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**To the editor**

From Walt Gardner

Published in *U. S. News and World Report* (03/28/2005)

Judging from the media's attention, one would think that March 12 marked the beginning of a new era in American history, rather than simply the inauguration of a revised measurement instrument ["It's Bigger--Is It Better?" March 14]. The fanfare reflects the College Board's ability to convince all stakeholders in the college admissions process that the SAT assesses something more than simply the ability to take the SAT. It's evidence of the iconic status a test attains when it is masterfully marketed. A backlash will eventually develop that will make submission of its scores optional for college applicants.

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### **To the editor**

From Walt Gardner

Published in *Education Week* (03/23/2005)

The spate of slated Roman Catholic school closings in Chicago, Brooklyn, and Queens serves as evidence that an open educational marketplace does not ensure the survival of the best schools ("Catholic Schools' Mission to Serve Needy Children Jeopardized by Closings," March 9, 2005.). If it did, the Catholic schools on the chopping block would not be there in the first place. Their long record of providing a quality education to poor and minority children would protect them.

But reality has an inconvenient way of intruding into the most instructionally effective schools. The result is that the very schools that ideologues maintain will prosper are the same ones that are scheduled to be shuttered. That's a tragedy for legions of children and their parents who have been well served at an affordable cost.

The lesson to be learned is that choice and competition are no guarantee of longevity. Forces beyond the control of the finest schools can lead to their demise.

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When I was a teacher for JPS, I discovered how a couple of fourth and fifth grade teachers were giving answers to their students. The children were threatened within an inch of their lives if they told. Two years hence, the principal who had a history of getting great scores on the tests was moved to another school. Lo & behold, he took those two teachers with him! I've told everybody I could about it. Either no one believes me, or they just don't care. The fact is I can't prove it.

### **State to Dissolve Wilmer-Hutchins School Board**

The Wilmer-Hutchins school board will soon be out of work.

State Education Commissioner Shirley Neeley has decided to dissolve the troubled district's board because state investigators found widespread cheating by Wilmer-Hutchins teachers on the state's TAKS test.

The investigation – prompted by a series of *Dallas Morning News* stories in November – found that more than 20 Wilmer-Hutchins teachers and administrators gave

answers to students.

According to a confidential Texas Education Agency report obtained by *The News*, teachers ordered students who finished the test early to fix answers on other students' answer sheets. Some students were required to have their answers checked before proceeding to the next question. And some teachers prepared answer keys for students.

In all, 22 educators were fingered by the investigation – two-thirds of all the educators who administered tests in the district's elementary schools.

### The Story So Far

Budget woes, questionable leadership, students at risk: Turmoil is nothing new to this struggling district. Read through the archive of recent reporting on the woes at Wilmer-Hutchins schools.

"This significant number appears to indicate a pervasive lack of oversight at three of the four elementary campuses and at the district level to such an extent that the validity of the test results is compromised," the report said.

Some trustees reacted with outrage at the dissolution of the board.

"We're being declared guilty for nothing," said board President Luther Edwards. "We haven't done anything wrong. It's the major power brokers who are arranging all this."

But other area leaders welcomed the change and said the idea of teachers helping students cheat on the Texas Assessment of Knowledge and Skills is shameful.

"They treated those kids horribly," Wilmer Mayor Don Hudson said of the educators accused of cheating. "They weren't doing anyone any favors except themselves. Now we'll have kids who can't function in society even with a Wilmer-Hutchins diploma because they were never really taught."

Under state law, a board of managers is the most severe intervention the commissioner can impose on a school district. The school board will be dissolved and a superintendent appointed.

James Damm has been interim superintendent since Superintendent Charles Matthews was fired in November after being indicted on felony document tampering charges. It was unclear whether Dr. Neeley would choose to reappoint Mr. Damm to the position or choose a new leader.

"I have to try to digest ... [the report] and see what it really means," Mr. Damm said.

Wilmer-Hutchins has been hammered by a series of crises in the last year, beginning with a summer storm that damaged Wilmer-Hutchins High School and left it in such condition that the start of school had to be delayed. Among the other problems:

- The district's evaporating fund balance, which meant the district didn't have the money to pay its teachers on time twice last fall.
- Criminal investigations launched by the FBI, the Texas Rangers and county and federal grand juries, including allegations that district officials fudged attendance records to illegally increase state funding.

- The indictment of Dr. Matthews and maintenance director Wallace Faggett after they were accused of destroying purchase orders and other documents sought by criminal investigators.

- The revelation that its chief attorney – since fired – had been practicing for a time without a law license.

- A judge's ruling that banned the school board from meeting because it posed a danger to the district's well-being.

- The discovery that the district had been setting its tax rate illegally since the 1970s.

"School governance is unstable in Wilmer-Hutchins ISD and has been so for many years," Dr. Neeley wrote in a letter to district leaders Monday.

The final trigger for the dissolution of the school board was the cheating scandal. Even before Monday's report, the allegations were supported by the district's abysmal performance on this spring's TAKS. In response to concerns about cheating, state officials sent more than 70 monitors to oversee the first round of TAKS testing last month – one per classroom in all the district's elementary schools.

With teachers being watched for improper behavior, scores plummeted.

This year, 39 percent of the district's fifth-graders passed the reading TAKS. That's 36 percentage points below the state average.

It's also quite a change from last year, when 89 percent of Wilmer-Hutchins fifth-graders passed the reading test – 9 percentage points above the state average.

"It's a pretty unbelievable drop in scores," said Suzanne Marchman, a TEA spokeswoman. "The fifth-grade scores are lousy."

Third-graders saw a similar, though smaller, drop – from 89 percent last year to 72 percent this year.

Concerns about the validity of Wilmer-Hutchins' test scores were first raised in a *News* investigation in November that found statistically unlikely swings in the district's performance. Several students also said teachers had given them answers while administering the TAKS.

After the *News* articles, the TEA began an investigation. In all, 54 students and 31 current and former district employees were interviewed. The report says it took several attempts to perform the student interviews because it had problems getting written permission slips sent home to parents and returned.

Investigators also found that unusually high numbers of answers were erased and replaced on the answer sheets of Wilmer-Hutchins students – and that unusually high numbers of the erasures changed wrong answers to correct ones.

For example, in one third-grade classroom at Wilmer Elementary, student answer sheets had 57 times more erasures than the state average.

Through interviews, investigators found evidence of cheating at all four Wilmer-Hutchins elementary schools: Alta Mesa, C.S. Winn, Wilmer and Hutchins. (Hutchins Elementary was closed as a cost-cutting measure in December.)

The report does not identify any of the teachers involved but does indicate that violations were most commonly found among third-grade teachers. Of the 10 educators who administered the test to third-graders, eight were found to have committed violations. Third grade is the year that students take a must-pass reading test in order to be promoted to the fourth grade.

As a result of the findings, Dr. Neeley said she will be lowering the ratings of Alta Mesa, C.S. Winn and Wilmer to "academically unacceptable," the lowest possible. The district's overall rating will also be lowered.

That's important because state officials have said that, under state law, a board of managers can be imposed only on a district with the state's lowest rating.

Dr. Neeley must now appoint a board and superintendent. Mr. Hudson, the Wilmer mayor, said that he spoke with Dr. Neeley on Monday and that the commissioner gave him the names of some of the members, though he said he did not recognize them. He said some were from the immediate area and some were not.

The TEA must also get Justice Department approval for the move because it involves the removal of an elected body.

Since the November appointment of a two-person management team, board members have clashed repeatedly with their state overseers, forcing the state managers to use their power to overrule decisions. Most recently, the board voted three times this month not to finalize the firing of Dr. Matthews, despite a state hearing examiner's report recommending the indicted leader's termination be finalized.

Mr. Edwards, a board member for 12 years, has said repeatedly that state intervention is not driven by poor decisions by the board. The real cause, he said, is a conspiracy of greed, led by shady, unknown individuals.

"We're being held accountable for things that we didn't do wrong," he said. If there was cheating in Wilmer-Hutchins, blame should fall on principals, not the board, he said.

But Michelle Willhelm, one of the state managers, said she agreed with the decision to impose a board of managers.

"The board is a hindrance to progress," she said. "It's better to move them aside and let a board of managers move ahead."

The commissioner's recommendations are included in a preliminary report that was released to district officials Monday. Mr. Damm and board members have 10 days to comment on the report's findings, after which the TEA will issue a final report and formally take steps to dissolve the board.

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— Joshua Benton  
*Dallas Morning News*  
2005-03-21

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Texas – the testing model for the country. Home of the Texas Miracle!

## Analysis: Houston Schools Implicated in Cheating Scandal

RENEE MONTAGNE, host:

This is MORNING EDITION from NPR News. I'm Renee Montagne.

In Texas, the school year has been stained by a cheating scandal that has implicated hundreds of schools. The revelations are even more embarrassing because the testing system in Texas has long been held up as a model for the nation. NPR's Claudio Sanchez reports that educators are scrambling to repair the damage.

CLAUDIO SANCHEZ reporting:

Donna Garner was one of the first teachers to go public with her story, a story she agreed to share at an outdoor coffee shop near downtown Houston.

Ms. DONNA GARNER (Teacher): I initially brought this to the school board in June 2003.

SANCHEZ: Garner has taught in three different schools in Houston.

Ms. GARNER: And in two of them, I know for a fact that cheating was going on. I mean, it's corrupt. I mean, there are so many ways that these people have figured out to give answers to these kids, as blatant as to put every answer on the board.

SANCHEZ: At one elementary school, Garner says, the principal ordered teachers to cheat.

Ms. GARNER: She didn't call it cheating.

SANCHEZ: But here's how it worked.

Ms. GARNER: I was to walk behind each kid. If they had the right answer, continue walking. If they have a wrong answer, I'm to stop behind them so that will be the indicator to them that they need to choose another answer. And as they move their finger down the page, when they get the correct answer, then I would move on. And they would know that that was the right answer.

SANCHEZ: Garner says she refused to cheat and transferred to another school. But she couldn't stand the idea that administrators were getting away with it. She thought school board members would be outraged and put an end to the cheating.

Ms. GARNER: But nothing came of it. Absolutely nothing came of it, not good, not bad.

SANCHEZ: Until last December when *The Dallas Morning News* ran the first in a series of stories about suspicious one-year gains in students' test scores in over 400 schools across Texas. Mike Drago is the paper's education editor.

Mr. MIKE DRAGO (The Dallas Morning News): The lead of the story was this. The vast majority of teachers are honest people and wouldn't think of doctoring their

students' results on standardized tests. And unfortunately, in a high-pressure, high-stakes environment, some teachers are going to cross the ethical line.

SANCHEZ: Houston reacted quickly to the story. The school district appointed an inspector general who's now investigating at least 23 schools. At one school the principal has been demoted and the district has recommended that two teachers be fired. Houston's new superintendent, Abelardo Saavedra, has vowed to regain the community's trust.

Mr. ABELARDO SAAVEDRA (Houston School Superintendent): I think the community can forgive mistakes. What the community will not forgive is someone that's dishonest.

SANCHEZ: Last month, Saavedra deployed 600 monitors, including police officers, throughout the district to oversee the administration of the state tests. Some people, though, say that Saavedra is up against the culture of disinformation throughout the system.

Ms. GAYLE FALLON (President, Houston Federation of Teachers): No superintendent is going to pick up a phone and say, 'You know, I've got a couple schools that really aced the state test. Could you come in and investigate?' Not going to happen.

SANCHEZ: Gayle Fallon is president of the Houston Federation of Teachers. The union is defending the two teachers accused of cheating. Fallon wants the school board to get rid of what she calls the biggest incentive for people to cheat, bonuses for raising test scores.

Ms. FALLON: The principal gets \$5,000. The one who really makes out like a bandit is the district superintendent, who gets a \$20,000 bonus.

SANCHEZ: Parents in Houston, meanwhile, seem exasperated. After all, the city's success with low-income, minority and immigrant children has been arguably one of the nation's most celebrated education stories. Now some of that success seems to have been cosmetic, based on bogus test scores. And parents aren't sure who to blame. At this all-day conference for college-bound high school students, parents like Deborah Samuels blame the mandatory testing that's going on in Texas schools these days.

Ms. DEBORAH SAMUELS: What happens is you get fear. And we do need tests. We do need to increase our test scores, but I think they're putting so much emphasis on test scores, you're going to have a problem with cheating.

SANCHEZ: Jack Price has two children in the school system.

Mr. JACK PRICE: I don't think any schools are squeaky clean. There's a lot of them that may seem like it but, to me, they're just better at getting away with it.

SANCHEZ: It's like Enron all over again says another parent. Texas Education! Commissioner Shirley Neeley, though, refuses to believe that cheating could be so widespread. She insists that even the most dramatic jumps in test scores are explainable.

Ms. SHIRLEY NEELEY (Texas Education Commissioner): In one particular school, and I can't remember if this was Amarillo or Dallas or San Antonio, these children that had not done well the year before had been in an intensive tutorial and remediation

program. They had worked Saturdays, after school. I think if every superintendent and principal had an opportunity to explain why they may have made significant gains, I think we'd have more cause to celebrate than we would to chastise.

SANCHEZ: With over three million school students being tested every year, someone somewhere will cheat, says Neeley. But state education officials have to answer some tough questions before they can put a stop to it.

Ms. NEELEY: What did we miss? What did we do wrong? What did we not have in place?!

SANCHEZ: Well, for one thing, investigators. There's only three in a state with over a thousand school districts. With the public's confidence shaken, though, Texas will need to do more than beef up its team of investigators to shore up its credibility as an educational model for the nation.

Claudio Sanchez, NPR News.

— Morning Edition  
*National Public Radio*  
2005-03-21

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## Insults to the Soul

Publication Date: 2005-03-25

By Susan Ohanian

It is disheartening to see that things have gotten worse since this was written. And NCTE, my professional organization, didn't learn anything from past Standardisto forays but now is entering the field of writing rules about what should happen in middle schools.

I got so steamed up writing this essay that I kept going and *One Size Fits Few: The Folly of Educational Standards* is the result.

Teachers are usually the last ones to show up for school reform. Actually, most of us don't get invited. When *Family Circle* magazine wants to know the up-to-the-minute buzz on the schools, they ask Rush Limbaugh. Yes, that's outrageous. But *The New Republic's* idea of asking

Anne Tyler to give her take on school reform wasn't much better. I'm a fan of Tyler's novels, but her reminiscences on the smell of chalk dust offered small illumination on the realities of schooling in the 1990s (and *The New Republic* didn't print my complaint letter either).

## **REFORM AND USA TODAY**

A few months back I was elated by finally being invited to the reform roundtable. *USA Today* asked me to write an op ed piece on President Bill Clinton's education plan. But then they shot the messenger—a metaphorical slaughter, to be sure, but it left me in tears. Hey, maybe I cry easily: second grade teachers who insist kids should learn commas in apposition and school chiefs who posit *Moby Dick* as the hallmark of high school excellence reduce me to tears every time. And now it's *USA Today's* notion of school reform that's got me blubbing into my tea.

When the *USA Today* editorial committee didn't get the point of my first piece, I wrote a second piece, coming at the argument from a different direction. And then a third and a fourth. Finally, after my fifth rejection, I called "uncle." Although I have published a number of pieces in *USA Today* and am very familiar with their style requirements, I finally realized that unless I changed my message and supported a national test, I was never going to get this one right. The editor, a gentle-sounding, caring-sounding sort of man, spent a whole lot of time trying to convince me that national tests are what this country's schools need. On my probing, the editor admitted he knows his third grade daughter's reading level as revealed by standardized tests. He could not tell me why it would be a good thing for him to be able to compare her reading score with the scores of children in Alabama and Alaska. Pressed to the wall, the editor admitted he thinks his daughter's teacher is excellent. He conceded I'm probably excellent too. But, he wants a national test so that "those other teachers out there," the lousy ones, will be forced to shape up. Over and over, he asked me, "How can we know a teacher is doing her job without national tests?"

Although this argument reeks of Senator McCarthy carrying that never-opened briefcase containing the names of Communist spies working in government jobs, I will concede that I know some unfit teachers. But surely to think that a national test will force them to pull up their socks defies everything we know about tests and motivational strategies and bureaucracies.

## **STANDARDIZED TESTS, STANDARDIZED KIDS**

But this penchant for testing does bring to mind one of my favorite stories. Some years ago *Esquire* Magazine editors asked prominent people, people who had achieved great success in all walks of life, if they would take the SATs and let *Esquire* print the results. The answer was unanimous: "No way! Are you nuts?" Of course even very accomplished adults don't want to be known by the numbers they achieve on tests. We leave that ignominy to young children. Declaring that Standards and a national test and other bells and bangles of reform will make every eight-year-old a reader may be good politics, but it doesn't take the savvy of a parsnip to know this isn't going to happen.

Even a homogeneous nation has its anomalies. When I visited Japanese schools I kept asking parents, teachers, principals, and members of the Tokyo Board of Education where the man scrubbing the train station floor or the woman pulling weeds along the highway median strip fit on their carefully constructed educational ladder. Nobody would answer such a rude question.

My years as a teacher show me that nonreading

eight-year-olds and teenagers too obnoxious to be allowed on the regular campus all need the same thing. And it isn't school uniforms, a new test on the uses of flax, or *Moby Dick*. It isn't technology either. Cut through the hallucinatory hype surrounding the Internet, and you find a dead end of gossip, infomercials, and silly homepages.

I don't want to sound like a whiner looking for excuses, but parents don't send me standardized kids. At least one-fourth of the kids in the U.S. live in poverty and sit in school buildings that are crumbling around them. I look at my roster for a typical seventh-grade class: a deaf child, a legally blind child, a girl who has been to three schools in four months, a girl who skips school to turn tricks in a nearby college dorm, a non-reader who is escorted to school by a police department aide, four immigrants who don't speak English, a child mainstreamed from a class for the emotionally disturbed who rolls up on the floor in a fetal position and quacks like a duck. And so on.

And if I had the space, I could tell you a heart-warming story of each one of those kids making a connection with a book. Connecting individual kids with individual books is my glory as a teacher. The fact that Keith was fifteen years old when he read his first book ("All the way through, Ms. O, honest. I read the whole thing. You wanna hear me?") does not mean that his previous teachers needed higher standards. I do think it is a testimony to my very high standards that Dr. Seuss's *Hop on Pop* was there for Keith when he needed it—in the eighth grade. Keith is an extreme example, but the fact that many students don't read on grade level doesn't mean that they are destined to be losers. The fact is that graduates of our increasingly heterogeneous high schools are 60% more likely to go to college than are their Japanese counterparts, and the workers we send to industry are 30% more productive. Odd, isn't it, that while the Japanese don't acknowledge failure in their schools, we seem so unwilling to talk about success in ours?

A few years ago I was wandering around the Boston Book Fair on a Saturday morning when a big black man came up to me, handed me his business card, and invited me to dinner. I remembered Leon as the obstreperous eighth grader who, in an exceptional commentary on textbook standards, led a pack of his peers in dumping all the social studies texts out of the third floor window into the snow. Leon remembers me as the teacher who taught him to love books. I guess you have to be a teacher to realize the magic of this moment. *USA Today* rejected this story as not universal, not significant, not proof of professionalism. All I know is that I now bask forever after in the glow of being the kind of teacher whose student grows up to be the kind of man who spends a Saturday morning at the Boston Book Fair.

I wrote about some of my students for *USA Today*. And each time he rejected a piece as talking about kids who were "too unusual," the editor spent another hour trying to convince me that we need that national test. Finally, through tears of exhaustion, I told him "no more." I wonder which one of us was more frustrated at our inability to make the convincing argument for school reform. My argument was too local—the poignant story of individual students did not

strike him as universal. For me, his argument was too general. If you're going to talk about the culpability of teachers, then you'd better be prepared to name names.

### **BLAMING TEACHERS**

I'm not really surprised that the flagship paper of the Gannett chain would take the political-corporate road labeled school reform. It's convenient for these guys and their corporate cousins to blame teachers for downsizing, the balance of trade, drug use, and illegitimacy. CEOs rake in 100 times the wages of their Japanese counterparts while giving us junk bonds and stores stocked with schlock made in China. Who's kidding whom? We accept goods from this human rights violator because we want to sell them Pepsi and pizza. But when the Pepsi—or Coke—or Kentucky Fried Chicken—or whatever hucksters tell me to reform myself, I want to ask for a reality check.

The question I want to ask is why the NCTE leadership chose that same deceptive road, offering only the rationale, "If we don't do it, somebody else will"? If NCTE hadn't waddled along in the line of reform ducks, if they'd pointed to the myriad of documents they have produced over the years detailing what it means to be an excellent English teacher, surely that act of defiant conscience would have sent a powerful message—to the public and to teachers as well.

I won't repeat Patrick Shannon's persuasive argument detailed in "Mad as Hell" (January 1996, *Language Arts*), but I urge everyone to read it. In addition, for teachers who need a jolt of good news: every October *Phi Delta Kappan* publishes *The Bracey Report on the Condition of Public Education*, wherein Gerald Bracey continues his demolition work on the hoaxes and myths that mar the public perception of our schools. And for more data, there's *The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools* by David Berliner and Bruce Biddle. "Standardized tests provide no evidence whatever that supports the myth of a recent decline in the school achievement of the average American student," (1995, New York: Addison-Wesley). When I quoted this sentence from *The Manufactured Crisis* to the *USA Today* editor, he changed the subject.

### **SCHOOL CHANGES NEEDED**

I'm not sanguine about our schools. I want plenty of changes. I want genuine alternative curricula for the kinds of students who have filled my life—the misfits who are not going to master algebra, not going to read *Moby Dick*. Yes, yes, *Moby Dick*. The wonderfully awful thing about writing about education is that you never have to make anything up. If John Silber, chairman of the Massachusetts State Board of Education has his way, students will read from a core list, including Milton's sonnets and *Moby Dick*. Silber points out that such a core list makes it easier to assess students on the statewide exams soon to be required in grades 4, 8, and 10. Now, you know and I know that anyone who says high schoolers should read *Moby Dick*:

- 1) Doesn't know any fifteen-year-olds;
  - 2) Has never read *Moby Dick*;
- or
- 3) Has read *Moby Dick*, has a fifteen-year-old in the house, and wants to get even.

But I worry that a whole lot of the curriculum on the reform agenda exists on the “get even” premise: I suffered through this when I was in school. Why shouldn’t these kids suffer too? The sad part is that *Moby Dick* is a great book. It wasn’t until I was 42 years old that I’d sufficiently recovered from my college experience to try it again. But I was piqued by repeated references to its greatness. Writers I admire admire this book, and so at age 42 I read it again. Or I should say I read it for the first time. In college, I was dragged through it and passed a test on it. Okay, I confess: at 42, I still skipped the rope-tying stuff. But the point is that it’s a pity that in the name of Standards, in the name of reforming schools, we ruin so many wonderful books by prematurely forcing them on kids.

People give easy praise to the classics these days, the great works of literature. OK. Here’s a bit of advice from the great American poet Walt Whitman:

Take off your hat to nothing known or unknown . . .  
Re-examine all you have been told at school or church  
or in any book and dismiss whatever insults your soul.</BLOCKQUOTE<

Dismiss whatever insults your soul. I admit I’m insulted by NCTE’s *Standards Consensus Series*. It seems apparent that the documents rise from a dunghill of profit motive rather than from a reform impulse. I worry about the state of the core when exercises touted as exemplars of “core beliefs” ask middle graders to write about what animal, season, fruit, and vegetable their most valued possession reminds them of. I worry about what strange bedfellows NCTE is pulling together in the name of reform when I see a coloring book page for middle graders to color as they read four lines from Longfellow’s *The Wreck of the Hesperus*. The teacher is advised to have a copy of the full poem on hand—in case any student wants to read it. Books in the NCTE Standards Consensus Series, for which no editor’s name appears on the title page, are filled with this matter to insult our souls.

In “Self-Reliance,” Emerson tells us that character teaches above our wills, that “virtue or vice emit a breath every moment.” This is scary stuff. If we take Emerson to heart and believe that every time we breathe we send out rays of virtue or vice, then why aren’t we

worried about the character of the people running our schools rather than about how we can compare the students in Alaska with those in Vermont? And what can we say about NCTE's breath when we look at the tripe traveling along under the name not just of standards but of Standards Consensus? Did the post office forget to deliver my ballot?

I, for one, am uneasy about all this blather about teachers as professionals. Professionalism has a lot to answer for, particularly when it employs a language to shut out people who don't belong to the guild. I'm thinking here of doctors and lawyers and people who write Standards documents. People who worry about being professionals seem to spend a lot of time thinking about tests and outcomes. Me? I'd rather be known as a nurturer, somebody who always has an eye out for the bird in the window, a person who has enough faith in kids and books to believe that tomorrow will take care of itself.

### **CONCLUSION**

We teachers who aren't hung up on professionalism have the luxury of approaching what we know with humility; we know that we rarely grab hold of more than a small corner of the truth. We are ever impressed by how much we don't know, ever aware that we teeter on the edge of doing something stupid.

Professionals tend to let one reform or another consume them: vouchers, standards, whole language, constructivist math, heterogeneous grouping, across-the-curriculum themes, teacher empowerment, portfolios, site-based management, block scheduling, school-within-a-school. We nonprofessionals poach, grabbing a little here and a little there, avoiding the bandwagons, choosing what we need for particular circumstances and offbeat kids. I'm reminded of Richard Argys' remarks in the *English Journal* theme issue inviting veteran teachers to reflect on their craft (September 1996). Argys notes that it is difficult "to imagine an educator lasting until retirement without developing a talent for breaking rules." How true. But I doubt that "a talent for breaking rules" will ever be acknowledged as an important prerequisite in any professional teaching standards or reform efforts.

In closing, I take my text from Dr. Seuss' Uncle Terwilliger, whose advice on eating popovers will serve teachers well when considering education reform:

Do a lot of spitting out the hot air.  
And be careful what you swallow.

—“My Uncle Terwilliger on the Art of  
Eating Popovers”

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## **Subgroup Reporting and School Segregation: An Unhappy Pairing in the No Child Left Behind Equation**

One of the more prominent features of the federal No Child Left Behind Act is the requirement that schools and districts track the performance of subgroups of students. While the law identifies several subgroups, including low-income and English-language learners, the low performance of black and Hispanic students should be of particular concern. Ironically, because of the way the law is written, the schools and districts that could end up being most heavily penalized are those that are the most heavily integrated.

The impact of these new subgroup-reporting provisions will be felt most keenly where there is new information and new sanctions. While the provisions of the No Child Left Behind law will require some states to create accountability systems from scratch, prior to the federal legislation many states already publicly reported school performance, and many also imposed some type of sanctions on low-performing schools. So then, where will the new subgroup reporting yield new information? Only in integrated schools, which, of course, are the only ones to have racial subgroups. And where will there be new sanctions? Only in integrated schools that are performing adequately but have sizable subgroups that are not, or in integrated schools that are only occasionally performing below par, but have subgroups that are persistently performing inadequately. Unfortunately, there will be no new information based on subgroup reporting in segregated schools. New accountability for a “race gap” in performance is limited to a subset of integrated schools and districts. The law brings little additional pressure to bear on the significant gap in performance between schools that are racially segregated, at least in the early years before strict sanctions take place. Under new accountability mandates, schools and school districts could actually benefit from segregation.

But this is far from being just a theoretical reporting problem. Our research in New York state reveals that the problem is large indeed. More than 40 percent of New York state schools with 4th grades served only white students in 2001-02, and over 20 percent served only nonwhite students, meaning that less than 35 percent of the state’s schools served both white and nonwhite students. Schools with 8th grades were not much different. Over a third of the state’s elementary and middle schools were essentially all-white in 4th and 8th grades and would be exempt from having any racial subgroup to report.

Making matters worse, we found that the biggest gaps in test scores are between schools that

only serve white students and those that do not serve any white students. And well over half the 4th grades fell into these groups. In segregated white 4th grades, 74 percent of students passed the reading test; in segregated nonwhite schools, 40 percent of the students passed; in integrated 4th grades, 75 percent of white and 55 percent of nonwhite students passed. Strikingly, white performance did not vary much across types of schools, but nonwhite performance was much worse in all-nonwhite grades.

Will reporting at the district level remedy the problem? Not much. At the district level, nearly a quarter of schools with 4th grades and more than one-third of schools with 8th grades served segregated populations.

Moreover, new accountability for the performance of minority students will be unevenly distributed across districts, falling disproportionately on urban schools, and substantially ignoring rural and suburban schools. And whatever thresholds individual states use to determine whether there are “enough” students in the subgroup to provide statistically reliable subgroup-performance scores, schools—and perhaps districts—will face an incentive to stay below the threshold to avoid the increased pressure of No Child Left Behind subgroup accountability. The end result? Schools and school districts could actually benefit from segregation.

So what can be done? In our opinion, the glare of public reporting is a good tool to help solve the problem of racial test-score disparities. Since school and district subgroup reporting will not be entirely effective because of segregated schools and districts, individual states are going to need to step in. Perhaps high-performing schools could each adopt an all-nonwhite school for reporting and remedy. Or maybe states, or even the federal government itself, could be held accountable for racial test-score gaps.

Of course, there might be a far more basic solution: Work harder to integrate our schools. Amy Ellen Schwartz is a professor of public policy, Leanna Stiefel is a professor of economics, and Colin Chellman is a research associate at New York University and the Wagner graduate school of public service, in New York City.

— Amy Ellen Schwartz, Leanna Stiefel, & Colin Chellman  
*Education Week*  
2005-03-23  
<http://edweek.org/ew/articles/2005/03/23/28schwartz.h24.html>

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The PEN report contains an often-powerful, rich content describing profound problems with the federal No Child Left Behind (NCLB) law.

The Testing and Accountability section of the report contains some of the most eloquent and powerful language condemning the harmful effects of testing I have seen. The section on Teacher Quality points out critical shortcomings in this part of the federal law while continuing to show the damage caused by testing. "Building a Committed Community" argues for using the law to strengthen parental involvement, while pointing out that the "choice" provisions (moving to

another school, in particular) run counter to the primary desire of urban communities, to have strong local schools that serve all their children well. A section on "stigmatizing" reveals that the law often undermines improvement processes by the labeling of schools.

FairTest's major criticisms of NCLB -- that it undermines rather than improves schools by turning them into test-prep programs, that it leads to harmful consequences to students and schools, and that it fails to comprehensively address school's needs -- are clearly and strongly supported by the content of this report.

Unfortunately, the report's recommendations are quite weak and generally fail to address the issues raised in the content. Other proposals that have been made public, such as the "Joint Organizational Statement on NCLB," signed now by 51 national education, civil rights and religious organizations, and the "Draft Principles for Authentic Accountability" drafted by FairTest in response to a series of discussions with organizations and advocates, point to solutions to the problems unveiled in the PEN report.

"Open to the Public" is based on forums held around the nation and on 12,000 responses to an on-line survey.

Below, I will summarize, with fairly extensive quotations, key points in the report, and contrast them with PEN's recommendations.

### ***Testing and Accountability***

While parents and community people clearly want high (but reasonable expectations), they are nearly totally opposed to the testing regime as it is playing out.

92 percent of survey respondents responded NO to the question, "Do you believe that a single annual test can tell if the entire student body needs academic improvement?" (5 percent 'yes'); and 90 percent said NO to the question "Do you believe that a single annual test can tell if individual students are performing satisfactorily?" (7 percent 'yes'). [This is not a scientific sample, but based on those who chose to answer the survey.]

The eloquent quotes from students, parents and others demolish the claims of the testers. Identified problems include:

- Stigmatization of low-scoring groups, especially those with disabilities.
  
- NCLB's dependence on test-based accountability.
  
- The focus on a limited set of skills that are being tested: "Students recognized the limitations of current tests easily... Parents also wanted more sophisticated assessments." Said a San Antonio businesswoman, "Coming from my background in the creative field... I think it's extremely important that we realize that being able to pass a test isn't necessarily sufficient to qualify a student as prepared for success in the real business world."
  
- Irrational approaches to test based accountability, such as classes that are nothing but test prep and the elimination of untested subjects. One Chicago student said, "I feel as if I am going to school for the sole purpose of learning how to pass the tests." A Philadelphia student said, "So, they spent millions of dollars for test prep classes that counted as electives. They tried to bribe us... They should have put the money into more up-to-date textbooks."
  
- The harmful, narrowing effects on curriculum and instruction. Rev. Sallie Jo Snyder, Erie, PA, said, "I grieve that NCLB has turned our classrooms into pressured assembly lines whose job it has become to turn our rote robots who have learned what to do and how to do it to pass a tests and save a school from being labeled a failure. What about the children? It saddens me to hear fifth graders no longer talking about a poem they wrote for their creative writing lesson or their amazement at learning a really cool fact about history... Instead of these things, which make a well-rounded, more civically engaged person, fifth graders in the current environment of today's classrooms now talk about in what percentile they scored."

- Student disengagement caused by the overemphasis on tests. "...[O]ver and over again... Students reported an insidious process going on in their schools -- intense test prep teaching that guarantees students will become disengaged from academic learning, so teachers and administrators respond with even more of the same. 'The tests have completely taken over the school,' observed a Columbus, Ohio student, 'but if you look deeply, students haven't really learned anything.'"

- States and districts lowering standards to beat the tests. The impossibility of achieving the 100 percent proficient by 2014 mandate is clearly a force in this, with the result that, as a parent said, his district just focuses on short-term results. Said a student, "A lot of our classes have been turned into only test-oriented classes."

- Advanced and enrichment courses are being scrapped.

- Harmful consequences to students with disabilities. Witnesses disagreed "philosophically" with the mandated approach to testing students with disabilities, calling instead for assessments in line with students' IEPs. "Setting standards that are impossible for these children to achieve only sets them up for failure," said a grandmother.

- Assessment of ELL students is "equally inappropriate." The report notes, "For many, NCLB seems to have hastened efforts to minimize the importance of the family language and dim hopes for bilingualism in education." A parent said NCLB "is riding roughshod over those programs." Because they often score low, immigrant children are being pushed out of school programs.

There were almost no positive statements made about testing and the NCLB testing mandates. Is this PEN's bias, cherry picking critical comments? Unlikely.

FairTest's Lisa Guisbond attended the Boston forum. She reported parents, students and community people from across the state repeatedly criticized the state's MCAS tests (though they were directed by the event organizer, pro-MCAS Paul Reville, to focus on NCLB) and the harmful consequences. A report from the Mon Valley (PA) group that co-sponsored the Harrisburg forum was full of critical comments about the tests. Allies in Chicago reported very strong, critical language directed against testing.

Unfortunately, the recommendations from PEN fail to address the breadth and depth of the criticisms (perhaps strong evidence that the report has not cherry picked criticism). On testing, PEN's one recommendation calls for use of growth measures. These could help, at least temporarily, relieve some of the worst pressure, as studies show low-scoring schools and districts are less likely to fail if growth models are used than if the current NCLB approach is used. But growth measures fail to address the narrowness of the testing or, ultimately, the

pressures to reduced schools to test prep programs, to push out students, to set schools up for failure.

### ***Teacher Quality***

The essence of this section is that people "did not agree with the definition of a qualified teacher; they had higher expectations."

- Parents and community people had little information about teacher qualifications, despite the law, and tend to think there are far fewer qualified teachers in the schools than do educators.
  
- Students in particular want teachers who go "the extra mile." Their concept of quality goes well beyond subject matter knowledge: "it's always going to come down to their ability to teach the students what they need to know."
  
- Teachers need to know and understand the communities in which they work.
  
- Said one Massachusetts student, "perhaps we should...go to actual classrooms to watch teachers and make sure they are really good teachers instead of just certified teachers."
  
- While the curriculum narrows in response to test pressure, most witnesses conclude it is because educators "fear of losing their jobs." Teachers are leaving the profession or, more commonly, moving to schools which are not at risk of being labeled "failing."
  
- Some pointed out that teachers are "appalled at what the high-stakes testing demands are doing to children in classrooms." Student teachers are also

frustrated by seeing so much "drill and more drill" for the tests "at the expense of quality, challenging instruction on a daily basis."

Again, there are no recommendations to respond to these issues. There is no proposal to revise the "highly qualified teacher" provisions of NCLB, nor to halt the testing mania that students and parents say is undermining their schools and driving away good teachers.

### ***"Building a Committed Community"***

This section points out that "if knowledge is power, then the people in schools and communities most impacted by NCLB remain powerless." If they are to gain power, more funding must be allocated to parent empowerment within NCLB.

- A key problem is lack of trust between parents and schools, exacerbated by schools often working to keep parents out, to not listen to them, to marginalize their participation.
  
- Parents want information about many things, including school climate, teacher qualifications, classroom size, funding, comparisons with schools in other districts, but get too little of this information.
  
- The transfer provisions are clearly ineffective, few use them. More profoundly, "They wanted their neighborhood schools to have the resources to become good schools instead of abandoning them" through transfers. While the processes of closing schools that have begun to be seen in cities such as Chicago were not discussed, it would seem that approach also would fail this basic demand on the part of parents and communities.
  
- People wondered, "Who is responsible for holding the providers [of supplemental services] accountable?"

PEN correctly wants the parent involvement provisions and information requirements enforced. They recommend collaborations between schools and community-based organizations. And as noted above, they think more money should be provided to ensure parent involvement. And PEN emphasizes the importance of using NCLB as a means to create community dialogues about what schools should be and need to do. This is a very important goal, but the law's subordination of everything to test scores in two subjects will make the development of those dialogues, to say nothing of actual changes, very difficult.

FairTest views strong parent and community involvement as critical factors in genuine accountability and in school improvement. We have heard from some parent and community activists that while there are useful provisions in NCLB, the provisions need to be strengthened and expanded. PEN might dialog with such groups to determine what improvements to the law itself should be supported. The "Draft Principles for Authentic Accountability" address issues such as school climate and parent and community involvement, considering them critical elements in the what and how of accountability and school improvement, as well as strengthening democracy.

### ***"The Effects of Stigma"***

"Labeling schools... is a stigma that tears communities apart."

"Before attaching failing labels to schools... schools must have adequate resources. To do otherwise, 'is cruel and unjust,'" according to a community activist.

- Too often schools that are improving are labeled as failures, which is demoralizing and unhelpful.

- Labels can be based on performance of one group with no contextualization of the situation.

- "All those who commented on the negative effect of stigmatizing schools and communities also strongly supported accountability. They recognized the dilemma of not tolerating failure but keeping community hopes up. The answers seemed to be two-fold: give the schools the resources they must have to improve and use the strengths that parents and communities are waiting to provide." I would add, key components of NCLB also must be overhauled, as, it appears, the overwhelming majority of participants in the hearings and the survey also recognize.

PEN's recommendations on funding are odd. They recognize that the law has not been adequately funded, but then say that the states must pick up the slack. FairTest concurs with the Joint Statement that the federal government must dramatically increase its share of education funding.

Lastly, PEN says, "Hold states accountable for performance and for enforcing the law... Penalties should be imposed upon states, parallel to those imposed upon school districts, when insufficient numbers of children within the state meet [AYP] targets." The Draft Principles calls for states to be held accountable. However, the solution is not to expand the pain and suffering. Rather than subject states to the same process of standardized testing, impossible demands, then punishments that are meted to districts, the structure of NCLB needs to be changed. The consequences of such a step should be considered: would it mean reduced funding, and if so how would that help low-income children? Would the federal government take control of state education systems, or turn them over to a private contractor? Again, we agree there need to be ways to hold states accountable, but within a rational and helpful, not destructive framework.

FairTest hopes that PEN will continue to work on this issue and come out with stronger recommendations that meet the experiences, understandings and demands of the many students, parents, grandparents and community members who addressed the forums.

The PEN report is a pdf document available at <http://www.publiceducation.org/>.

The testing section is on pages 17 – 26. The recommendations are on pp 5-7, with some additional general recommendations at the end.

The Joint Organizational Statement is on the web at  
<http://www.fairtest.org/joint%20statement%20civil%20rights%20grps%2010-21-04.html>

The Draft Principles for Authentic Accountability is on the web at  
<http://www.fairtest.org/nattest/Authentic%20Accountability/Draft%20Principles.html>

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## **NCLB: State Legislative Watch List**

**This information comes from NEA.**

Currently there are 17 states that are considering legislation and/or Joint Resolutions & Memorials on the No Child Left Behind Law of 2001. Some states have multiple bills and resolutions pending. Of the 18 states, New Mexico is the only state to have passed a memorial urging Congress to ensure that students are not left behind by unfunded mandates. The following 12 states: AZ, CO, CT, FL, ID, IA, ME, MD, MN, NE, NJ, VT, and WA have bills that are currently being debated in various legislative committees. There are 5 states: CT, ID, ND, UT, and VA which have passed legislation through one or more legislative bodies. The following 3 states: MS, ND, and VA have defeated and/or withdrawn legislation that would have called upon changes to NCLB.

### **Arizona**

SB 1304: A school district or charter school may notify the superintendent of public instruction in writing any time that the school district or charter school will not be participating in or be subjected to the NCLB Act of 2001.

SPONSOR: Sen. Karen Johnson (R)

LAST ACTION: 1/27/05 (S) Assigned to Rules Committee

### **Colorado**

SB 50: Raises, from 3,000 to 5,000 students, the enrollment threshold for the requirement that

a school district that requests a waiver demonstrate the waiver application has the consent of specified person. Permits a school district to choose not to comply with the federal NCLB Act of 2001 and to seek voter approval.....

SPONSORS: Sen. Mark D. Hillman (R)

LAST ACTION: 02/15/2005 Introduced In House - Assigned to Education

### **Connecticut**

HJR 30 and SJR 35: Calls on Congress to pass legislation to provide waivers to high achieving states, such as Connecticut, from the requirements of the No Child Left Behind Act.

SPONSORS: Rep. John Mazurek (D) and Sen. John Kissel (R)

LAST ACTION: 1/24/05 (H) Referred to Joint Committee on Education Committee

SJR 40: Resolution Memorial stating that the Congress of the United States enacted and the President signed into law the No Child Left Behind Act, P.L. 107-110, while it has the laudable purpose of increased accountability and higher student achievement, it is an unwarranted extension of federal power without federal constitutional authority and misplaced in its application to Connecticut and other states which have consistently led the nation in accountability and student achievement...

SPONSOR: Education

LAST ACTION: Passed Final House & Senate Committee

### **Florida**

HM 877: A Memorial to the Congress of the United States, urging Congress to reevaluate the requirements of the No Child Left Behind Act and to fund the levels authorized in the act.

SPONSOR: Rep. Curtis Richardson (D)

LAST ACTION: 3/02/05 (H) Referred to Choice & Innovation (EDC); Rules & Calendar Council; Education Council

### **Idaho**

SJM 101: A Joint Memorial demanding that states without a city of one million or more in population be exempt from the No Child Left Behind Act.

SPONSOR: Sen. Gary J. Schroeder (R)

LAST ACTION: 1/25/05 Referred to Education Committee

SJM 106: A Joint Memorial to the President of the United States and the Congress, and to the Congressional delegation representing the state of Idaho addressing changes in No Child Left Behind.

SPONSOR: Education

LAST ACTION: 3/04/05 House Introduction – 1st Reading – to Education. Progress: Passed Senate

### **Iowa**

HR 11: A resolution requesting Iowa's congressional delegation to work to secure adequate funding for mandates required under the federal No Child Left Behind Act of 2001

SPONSOR: Rep. Mary Mascher (D)

LAST ACTION: 2/10/05 Resolution filed H.J. 340.

### **Maine**

LD 676 and LR 1436: This resolve directs the Attorney General to bring suit against the Federal Government and any other appropriate parties if the federal funding provided to the State is insufficient to implement the NCLB Act of 2001. The Attorney General may seek the necessary funding or may seek relief from the imposition of the federal requirements for which funding is insufficient.

SPONSOR: Sen. Michael F. Bennan

LAST ACTION: 2/08/05 HSE Resolve Referred to the Committee on Education and Cultural Affairs. In concurrence. Ordered Sent Forthwith.

### **Maryland**

SJR 10: Urging the Maryland Congressional Delegation to seek either full funding for the federal No Child Left Behind or a waiver from the requirements of the federal No Child Left Behind Act; providing that a copy of this resolution be forwarded by the Department of Legislative Services to certain individuals; and generally relating to the federal No Child Left Behind Act.

SPONSOR: Jennie M. Forehand (D)

LAST ACTION: 2/21/05 (S) Re-referred Budget and Taxation

### **Minnesota**

HB 23: Directing the Commissioner of Education to seek a waiver from ineffective provisions of the federal No Child Left Behind Act, directing the commissioner to report on policies and programs to supplement the positive effects of the act related to improving student achievement, closing the student achievement gap, and establishing school accountability; appropriating money for supplemental education services.

SPONSOR: Rep. Carlos Mariani (D)

LAST ACTION: (H) 1/06/05 Introduction and First Reading, Referred to Education Policy and Reform

SB 1092: A Resolution opposing No Child Left Behind requirements expansion to high schools.

SPONSOR: Sen. Geoff Michel (R)

LAST ACTION: 3/07/05 (S) Second Reading

SB 1244: A bill for an act relating to education; providing conditions for the continued implementation of No Child Left Behind; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 127A.

SPONSOR: Sen. Steve Kelley (D)

LAST ACTION: 3/07/05 (S) Committee Report: To Pass and re-referred to Finance

SB 1245: A Resolution memorializing the Congress of the United States to amend the No Child Left Behind Act according to the recommendations of the National Conference of State Legislatures' task force on No Child Left Behind.

SPONSOR: Sen. Steve Kelly (D)

LAST ACTION: 3/07/05 (S) Second Reading

### **Mississippi**

HB 150: An act to create the school testing right to know act, which provides policymakers and the public with accurate information with which to make future decisions about the direction of education policy in the state of Mississippi, and for related purposes.

SPONSOR: Rep. Erik R. Fleming (D)

LAST ACTION: 2/01/05 (H) Died/Killed in Committee

### **Nebraska**

LR 23: The Legislature calls upon the United States Congress to fully fund No Child Left Behind Act or modify its content to better reflect the Congress' actual financial commitment to the program.

SPONSOR: Sen. Gwen Howard (I)

LAST ACTION: 1/24/05 Notice of hearing (1/31)

### **New Jersey**

ACR 142: Memorializes Congress to modify certain deadlines for paraprofessionals under the No Child Left Behind Act of 2001.

SPONSOR: Assemblyman Anthony Chiappone (D)

LAST ACTION: 2/09/04 (A) Introduced and Referred to Education

### **New Mexico**

HJM 35: A joint memorial requesting that the public education department provide certain information on the federal funding received by New Mexico for implementation of the federal No Child Left Behind Act of 2001.

SPONSOR: Rep. Daniel Foley (R)

LAST ACTION: 3/01/05 (S) Rules/ (S) Education – (S) Rules. Progress: Passed First House Committee

HM 2: A memorial urging Congress to ensure that New Mexico's students are not left behind by unfunded mandates in the federal No Child Left Behind Act.

SPONSOR: Rep. Ray Begaye (D)

LAST ACTION: 2/10/05 Signed

### **North Dakota**

HB 1038: A bill to establish an advisory commission on the No Child Left Behind Act; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee.

SPONSOR: Legislative Assembly

LAST ACTION: 2/15/05 Senate Committee Hearing. Progress: Passed House

HB 1365: A bill for an Act to amend and reenact section 15.1-21-06 of the North Dakota Century Code, relating to participation in the No Child Left Behind Act of 2001.

SPONSOR: Rep. Margaret Sitte (R)

LAST ACTION: 02/09/2005 House Second reading, failed to pass, yeas 022 nays 069

HCR 3012: A concurrent resolution urging the Secretary of the United States Department of Education to declare that elementary teachers licensed by the North Dakota Education Standards and Practices Board meet and exceed all requirements for being highly qualified as provided in the No Child Left Behind Act.

SPONSOR: Rep. Phillip Mueller (D)

LAST ACTION: 2/05/05 House Committee Hearing; Request return from committee; HJ 462; Withdrawn from further consideration; HJ 462

### **Utah**

HB 135: Directs public education officials regarding the administration and implementation of federal education programs.

SPONSOR: Rep Margaret Dayton (R)

LAST ACTION: Passed House, reported from Senate committee. Will be considered in special session on April 20.

HJR 3: This resolution recognizes Utah's commitment to competency-measured education and the state's leadership role in providing quality education for its citizens.

SPONSOR: Rep. Kory M. Holdaway (R)

LAST ACTION: 2/28/05 Enroll Draft (Legislative Research and General Counsel/Enrolling)  
Progress: Passed House, Passed Senate

### **Vermont**

HB 59 & SB 38: This bill proposes to direct the state board of education not to comply with the testing and consequence provisions of the federal No Child Left Behind Act of 2001.

SPONSOR: Rep. Willem Jewet (D)

LAST ACTION: 1/18/05 (H) Current Status: In Education; 1/21/05 (S) Current Status: In Education

HJR 15: Urging Congress to amend the No Child Left Behind Act of 2001 with respect to

military recruitment activities.

SPONSOR: Rep. Johannah Leddy Donovan (D)

LAST ACTION: 1/26/05 (H) Current Status: In Education

### **Virginia**

HB 1592: No Child Left Behind Act (the "Act"), the Board of Education seek a waiver from compliance with those provisions of the Act that are duplicative of the Commonwealth's prior educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation....

SPONSOR: Delegate Gary A. Reese (R)

LAST ACTION: 2/02/05 House: Incorporated by Education (HB2602-Landes) (22-Y, 0-N)

Progress: Died/Killed

HB 2602 & SB 1136: No Child Left Behind Act; Board of Education to seek waivers. Directs the Board of Education to seek waivers from compliance with provisions of the No Child Left Behind Act that (i) are in conflict with Title IX, Section 9527 (a) of the federal Code, which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds or incursion of any costs not paid for under the Act; (ii) are duplicative of the Standards of Quality, Standards of Learning, and Standards of Accreditation; or (iii) are lacking in effectiveness. Further, the Board must examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal No Child Left Behind Act. The Board must convey its findings from such examination to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance no later than October 1, 2005. ...

SPONSOR: Delegate R. Steven Landes (R), Senator Emmett W. Hanger (R)

LAST ACTION: 2/26/05 House: Bill text as passed House and Senate, 2/23/05 Senate: Vote:

Concur House Amendment (36-Y, 0-N) Progress: Passed House; Passed Senate

HB 2685: No Child Left Behind Act; Board of Education to seek waiver. Directs the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of the Commonwealth's prior educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, or lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act.

SPONSOR: Delegate Albert C. Pollard (D)

LAST ACTION: 2/02/05 House; Incorporate by Education (HB2602-Landes) (22-Y, 0-N)

HJR 561: Resolution; waiver from federal No Child Left Behind Act. Requests the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of Virginia's pre-existing educational accountability system or lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act. ...

SPONSOR: Delegate Gary A. Reese (R)

LAST ACTION: 2/02/05 House: Tabled in Rules (16-Y, 0-N)

HJR 708: Resolution; Congress to amend No Child Left Behind. Memorializes Congress to amend the No Child Left Behind (NCLB) Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states, such as Virginia, that have successfully raised student achievement through their own standards and accountability reforms, and that this waiver be available to states so long as they maintain these proven standards and accountability programs. ...

SPONSOR: Delegate R. Steven Landes (R)

LAST ACTION: 1/26/05 House: Passed by indefinitely in Rules (16-Y, 0-N)

SB 948: No Child Left Behind; waiver applications. Requires the Board of Education to file an

application for a waiver from a specified accountability provision included in No Child Left Behind, when requested by resolution adopted in open meeting by any of the eight superintendents' regions. The superintendents' regions must review the provisions of NCLB and may request the filing of an application for a waiver. ...

SPONSOR: Sen. H. Russell Potts

LAST ACTION: 2/04/05 Senate: Incorporated by E. H. (SB1136-Hanger) (13-Y, 0-N), Died/Killed

SJR 437: Memorializing Congress; No Child Left Behind Act. Urges Congress to amend the No Child Left Behind (NCLB) Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states, such as Virginia, that have successfully raised student achievement through their own standards and accountability reforms, and that this waiver be made available to states so long as they maintain these proven standards and accountability programs. The resolution also requests that any further action anticipated to enforce the Act be deferred until full funding to implement the law has been authorized. ...

SPONSOR: Senator Emmett W. Hanger (R)

LAST ACTION: 2/08/05 Senate: Left Rules, Died/Killed

### **Washington**

HJM 4010: Petitions the President and Congress to fully fund the No Child Left Behind Act of 2001.

SPONSOR: Representative Kelli Linville (D)

LAST ACTION: 3/02/05 Passed to Rules Committee for second reading. Passed First House Committee

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