

National Association of Federal Education Program Administrators



(NAFEPA)

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2009 NAFEPA POSITION PAPER

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The NO CHILD LEFT BEHIND ACT of 2001 Considerations for Reauthorization From the Implementation of NCLB

Since the enactment of the *No Child Left Behind Act of 2001*, states and school districts have systematically worked to meet the goals of NCLB and improve instruction and learning for all students.

NAFEPA is fully committed to the intent of *No Child Left Behind (NCLB)*, and for that reason, this paper suggests a series of improvements based on the collective experiences of implementation and outcomes with NCLB. NAFEPA members support the premise that every child receives a high quality education that is based on standards and that all groups of students receive assistance to be successful learners. With the coming reauthorization of the Elementary and Secondary Education Act (ESEA), NAFEPA members have prepared this position paper with four main topics to be considered:

- 1. STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY**
- 2. HIGHLY QUALIFIED TEACHERS AND PARAPROFESSIONALS**
- 3. LOCAL EDUCATION AGENCY (LEA) AND SCHOOL IMPROVEMENT**
- 4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES (SES)**

Each of the four topics is listed on the following pages with main points that cover specific areas for consideration.



1. STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY

- A common definition of “proficiency” that applies nationwide is needed for grade level standards. For example, a Rauch Interval Unit (RIT) scale could be used along with a Measure of Academic Progress (MAP) system to equate standards and progress. This would not require a national curriculum but it would address the variance in rigor that currently exists from state to state without relying exclusively on the National Assessment of Educational Progress (NAEP).
- A revision of NCLB should accommodate a “growth model” for Adequate Yearly Progress (AYP) of school/district improvement that allows for state flexibility, the monitoring of student groups from year to year as well as the improvement of significant subgroups in order to close the achievement gap.
- Recognition of additional levels of student achievement for AYP should be made that allow credit for progress toward meeting performance levels and cut scores below proficient.
- An accountability system should count the scores of students in a sub-group no more than twice by using the categories of: (1) racial/ethnic and (2) one of the special population categories (economically disadvantaged, English learner, or special needs).
- Regardless of the type of accountability model approved, AYP targets need to be ambitious, allow for growth and be realistically attainable.
- The percentage of students with severe cognitive disabilities should be based on the percentage of students with severe cognitive disabilities actually served by the district rather than an arbitrary cut off. IDEIA must take precedence on all matters associated with students with disabilities including student IEP requirements for student testing, parents’ ability to opt-out students, out-of-level assessments and the variety of accommodations and modifications that may be provided.
- An alternative assessment system for English Language Learners and students with disabilities should take into account the developmental, cognitive and language acquisition needs of these students in order to assess English language proficiency and content knowledge.
- An alternative assessment and accountability system for alternative schools should take into account the highly mobile populations of these schools.
- An authentic safe harbor provision that is supported by research is needed which consists of a 3% reduction in the below proficient category.
- A parent’s right to opt a student out of testing should not count against a school’s participation rate.



2. HIGHLY QUALIFIED TEACHERS and PARAPROFESSIONALS

- A provision should be made for states to use their credentialing and licensing programs to determine “highly qualified” status for all teachers, including special education, English language learner, career technical education, alternative education, and middle school teachers who teach multiple subjects.
- Increased flexibility is needed in the requirements for highly qualified teachers for small middle schools, small high schools, and schools in rural areas.
- Teachers in all schools that receive federal funds, including nonpublic schools, should meet the requirements of “highly qualified.”
- The High Objective Uniform State Standard of Evaluation (HOUSSE) should be allowed to determine subject matter competence for new teachers hired to teach in alternative settings.

3. LEA AND SCHOOL IMPROVEMENT

- The length of time for LEAs in need of improvement should be extended given the complexities of systems change. Developing the qualities in LEAs that have been identified in research for improvement takes time and capacity building for states as well as LEAs. Improvement may not realistically happen in steady, equal, incremental steps each year. There are “implementation dips” as well as “accelerated changes”.
- An allowance should be made for districts identified for improvement to continue providing their own supplemental educational services.
- A provision is needed that schools and districts qualify for School Improvement after AYP is not met by the “same subgroup” in the same subject for two or more consecutive years.
- An extension of the timelines is needed to enter or exit School Improvement (from two to three years) for both schools and districts. An analysis of the research on the actual time required to turn around schools and districts should be conducted and used to guide timelines.
- A revision is needed that participation rates will trigger a “Plan to Improve Participation” rather than School Improvement status.
- A provision is needed to implement a “demonstration of progress” phase in year three for districts that show progress towards meeting their AYP targets. As long as progress continues, the district should be allowed to focus on that effort instead of “corrective action.”



4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES (SES)

- An allowance should be made for states and districts to decide the appropriate interventions (School Choice, SES, or other state defined interventions), and the order of interventions when a school is first identified for School Improvement.
- A provision should be made that School Choice and SES are available only to low income students belonging to the subgroup/s that failed to meet AYP targets and scored below proficient themselves.
- An allowance should be made for district flexibility in determining “lack of capacity” for School Choice regarding health and safety requirements, class size requirements, and collective bargaining agreements as legitimate limitations.
- A provision is needed that SES providers are required to meet the same professional requirements for highly qualified staff as public schools.
- A provision is needed that allows districts to screen out SES providers on state approved lists who do not meet local requirements.
- A provision that SES providers demonstrate a record of effectiveness working with special needs students, i.e., students with disabilities as related to IDEIA requirements, and English language learners as related to English language development.
- An increase in the allowable carryover for districts incurring SES charges is needed in order to avoid the restrictions of budget deadlines and the 15% carryover limitation. Allowance should be made for unspent funds set aside for SES to be used during the following year in more flexible ways i.e. allow more flexibility in waivers on the carryover based on issues surrounding SES services.

OTHER ITEMS FOR CONSIDERATION:

- It would benefit LEAs and the children they serve to include the negotiated rulemaking provision that requires the U. S. Department of Education to consult with and involve program administrators and other stakeholders in the development of rules and regulations affecting the administration of the Title I program.
- It would benefit LEAs and the children they serve to include the provision that requires state education agencies to establish and consult with a Committee of Practitioners (COP) that includes program administrators before issuing state rules and regulations related to the administration of Title I programs.