

Iowa Education Leader

A policy and advocacy update from the Iowa Department of Education * Ted Stilwill, Director * April 30, 2004

NCLB Status Report and Tentative, Recommended Changes to the Law

At the beginning of April, the Iowa Department of Education submitted amendments to our state accountability plan under NCLB. These amendments were necessary for Iowa to take advantage of recent flexibility that may be provided by the U.S. Department of Education. While changes have been announced regarding participation rates, testing for Special Education and ELL students, teacher quality, and other areas, each state is required to submit their amendments to gain approval for how they will respond to this flexibility. We requested flexibility in a number of areas and we anticipate some period of dialogue with the USDE before we receive approval. As soon as we can obtain confirmation on what has been approved, we will communicate the results.

But even with this flexibility, some structural changes are needed in the law itself. Honestly, this policy is too important for all of us not to make it work. The passage of the No Child Left Behind Act of 2001 brought education to the center of the domestic policy stage and established a new and expanded role in education for the federal government. Many educators recognized the need for a strong national policy in education and all made a good faith commitment to implementation of the law. Our two years of experience with those efforts have given us a broader perspective of how well the law is working, and what portions need to be updated or changed to ensure NCLB reaches its goals of improving achievement for ALL students. We also need to realize that legislative changes are necessary because there are limitations to the flexibility and support that the US Department of Education can provide. Just as the Iowa Department of Education does not have the automatic authority to waive sections of Iowa Code, the USDE is limited in what it can allow as well.

I want to be very clear: This is not about abandoning the law or diminishing our expectations for students. This is about making the changes that will allow the law to operate effectively. There are those who would prefer to wait to discuss changes for political reasons. As schools and districts are placed on a list for improvement despite the teachers and parents believing and knowing it is an effective school, many educators believe the law will lose credibility. Others feel that discussing changes implies an admission that they don't believe all children can learn.

Many states, including Iowa, have publicly expressed the need for modifications to the NCLB law, but to date Congress has not made any commitment to changes, which indicates we must put forward a direct request for specific changes. While we are often told that changes must wait until after the upcoming elections, I believe that we must make some general recommendations now and ask the various candidates of both parties for a response on these changes.

In addition to the experience we have with the law to guide our recommendations, we are guided by data that helps us anticipate the impact in the coming years if NCLB is not improved. This year we also issued our first "watch list" of schools that have not made adequate progress for one year, allowing us to begin to envision the impact of this law over time. In addition, next year we will be three years into the 12-year timeline requiring 100% of our students to achieve at the proficient level. Over time, too many schools will begin to face increasingly severe sanctions because of the elements of the law that could be corrected and still preserve the original intent.

Although I have shared our NCLB concerns with our Congressional delegation in the past, I plan to submit to them several recommendations for change that more specifically address our concerns. These are stated in a general way, since it is more productive at this point to proceed with broader concepts than with precise language.

I've outlined those recommendations below, and am showing you this preview so I can gain your feedback before I forward them to our representatives in Congress. Please send your comments and suggestions directly to me in a way that is as general or as specific as you might like.

Recommendation One: Adequate Yearly Progress

We should change the basic operation of “Adequate Yearly Progress” so that support can be targeted to chronically underperforming schools that are truly unable to meet the needs of large numbers of students. The policy should also shift to a continuous improvement model that emphasizes reasonable progress at both the local and state levels rather than an arbitrary, fixed federal standard.

Rationale:

1. NCLB in its current form will eventually vastly over-identify schools and label them as not effective. Today all states have an accountability plan that has been approved by the USDE consistent with the tenants of NCLB. In every state, at least one set of schools and districts have been identified as not making adequate yearly progress for one year and are at risk of being labeled as “Schools in Need of Improvement” if they have not made progress this current year. Twenty-two states have at least one third of all public schools on this one-year list and eight states have more than half of their public schools listed.
2. This labeling is seriously threatening public trust in public education at the school level where such trust is most critical. It is creating intensive, unwarranted criticism to be directed at thousands of public schools and their teachers.
3. The over-identification and labeling also undermines the credibility of the law, and that negative credibility is extended to those at the state and federal levels who must implement the law.
4. Chronically underperforming schools and those that have special needs will not receive the funding and support they need because federal and state resources will increasingly be directed to a large number of SINI schools that are not failing and would be better served by continuous improvement strategies than to be reacting out of fear of sanctions.
5. Over-identification forces school districts to set aside substantial Title I funding that would have been directed to teaching students or to providing professional development for teachers to provide for supplemental service and transportation costs. As a result, fewer students will be served.
6. Given economic conditions in most states, state funds will not be available to extend non-federal financial or staff support to the large number of schools that will be identified.
7. The extent and severity of the sanctions is especially inappropriate given the over-identification of schools labeled as needing improvement.
8. Most states and school districts would be better served by accountability systems based on continuous improvement with a much greater emphasis on building the capacity for success rather than such a heavy emphasis on negative sanctions.

Recommendation Two: English Language Learners

The first priority for ELL/LEP students should be the attainment of proficiency in English, the language of instruction in our schools. Once a reasonable level of English proficiency is achieved, then these students should be assessed for proficiency in Reading, Math and Science. Schools, districts and states should continue to monitor and report progress of ELL/LEP students in terms of their English proficiency but schools and school districts should not be subject to the provisions of adequate yearly progress and federal sanctions would not apply for lack of progress for this subgroup.

Rationale:

1. ELL/LEP students currently are subjected to reading and mathematics assessments that may produce unusable educational information and are sometimes impossible for students to even understand. With the recent guidance from the USDE that will allow a delay in reading assessment during their first year in the United States, the same problems will occur in the second year and in subsequent years until some level of language proficiency is achieved. One must also remember that delays for an

ever constant changing population of students will not help a school, district, or state reach 100% proficiency for this population.

2. We are working closely with Iowa Testing Programs to develop an alternate assessment for reading for students who are not proficient in English. But even then, when the student may not have had sufficient educational experience in their native language, it will be difficult for the student to demonstrate proficiency.
3. According to the current operation of this law, we will only be successful if there are no ELL/LEP students within 10 years. This is more likely a function of immigration law than education policy.

Recommendation Three: Students with Disabilities

We should continue to track and report progress of students with disabilities, with states determining continuous improvement goals for these students. IEP goals are already linked to local district standards, and benchmarks and decisions are made by the IEP team for student assessment in reading and mathematics. Progress of students with disabilities should not be subject to the current provisions of adequate yearly progress annual goals and federal sanctions should not apply when schools, districts, and states do not achieve the goals.

Rationale:

1. We must maintain high long-term expectations for students in Special Education, and acknowledge that progress will occur at different rates for students with various levels of cognitive disabilities. We would certainly agree that those students with milder disabilities should be expected to meet the goals of the regular curriculum with the help of the interventions provided by their placement.
2. If less than 1% of our school population fits into the category of "most significantly cognitively disabled," then there is another group that face substantial difficulties in reaching the same rate of proficiency as their peer grade group. These students will make substantial progress in moving toward independent living or employment, but should be supported by educational goals, programs and assessments suited for their needs

I would be very interested in your specific reactions to these recommendations. Please do not hesitate to share as much detail as you think is needed to back up your response. I would like to provide an initial set of recommendations to our Congressional delegation within the next 30 days, so I hope you will be able to respond in the next two weeks.

Thanks.

Ted Stilwill
Iowa Department of Education
Grimes State Office Building
State Capitol Complex
Des Moines, Iowa 50319
515.281.3436