



California Teachers Association

March 2010

Principles for ESEA Reauthorization



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The American Recovery and Reinvestment Act (ARRA) delivered much-needed funding and implemented a school reform agenda with several goals, including setting high standards, closing the achievement gap, and ensuring all children have a quality teacher. The California Teachers Association can support these goals.

CTA believes that the Elementary and Secondary Education Act (ESEA), as the preeminent instrument of federal policy on education, needs to be less about politics and more about policies to fulfill the promises of a high-quality public education. States and local education agencies are in the best position to make decisions regarding educational programs, delivery models, and qualifications for educators, while the federal government must ensure equitable educational opportunity for all students.

Instead of continuing to pursue simplistic, mechanical solutions to the complex issues of education reform, we need to “Reach for the STARS.” CTA offers a five-point outline of principles that should guide reauthorization:

Students: The federal role in education should be one of partnership with and support for the states in ensuring that all children receive a quality education in a safe and secure school. Practices promoted by federal policy, including ESEA, should foster consistently high and rigorous expectations for students by all educators. Outcomes for students must be focused on equitable access to high-quality teaching and learning — not on minimum proficiency and capacity — so that our state schools produce a graduating pool of college and career ready students.

Teachers: The federal definition of teacher quality lowers rigor and relevance of California’s teacher preparation and induction standards. Federal definitions need to be descriptive, rather than prescriptive, of the types of multiple measures and appropriate practices to identify effectiveness.

Accountability: In its most basic aspect, educational accountability is conceived as a process designed to ensure that anyone can determine if the schools are producing the results required. Assessment and testing policies have a profound influence on the ways in which schools function. This influence is particularly strong with respect to the kinds of educational programs they offer. ESEA should allow school improvement efforts to be locally developed to meet specific student needs and community contexts, based on a needs analysis that includes all stakeholders.

Resources and Innovation: Proven reforms such as small class sizes and improved teacher training, and years of hard work by dedicated educators, are producing real results in many schools and school districts. Funding available through ESEA must be adequate in order that students have the opportunity to meet the expectations set for them. These funds must also be distributed equitably, based on the needs of students in those schools and not on the wealth of the school district. Mandates set by ESEA must be fully funded.

Systems: The program of sanctions and interventions under earlier reauthorizations has not worked to improve persistently low-performing schools. For example, school choice as currently implemented under ESEA does not address or improve the pervasive problems at the school of residence. Flexibility for schools means considering the needs of all student abilities in order to develop programs that match the local context.

CTA Recommendations for ESEA Reauthorization

Democrats worked with President Bush to adopt the No Child Left Behind Act, in order to create a new, national commitment to public education, based on two central goals: supporting the improvement of America's schools and requiring accountability for results in learning. These are still the right goals for our schools.

Unfortunately, the current agenda of competitive free market education reforms as exemplified in Race to the Top has unintended consequences that in many cases are proving harmful to children and public education. These reforms call for a broad expansion of charter schools and a shake-up of schools that fail to make sufficient progress with all students, including low-income children, special education students and members of minority groups. But these reforms fail to address the systemic origins of the achievement gap characterized by many low-income and minority children lagging academically behind white and middle-class children.

In addition to the statement of general principles, CTA offers the following recommendations for the reauthorization of ESEA.

Students

Education has become a commodity in which students are defined as performance systems. Standards are set, taught, and tested to determine whether or not the students met these standards. Parents should be recognized as full partners in their child's education and should be included, as appropriate, in decision making and on advisory committees to assist in the education of their children. Necessarily, this obligates LEAs to provide education and support to parents so that they become informed advocates on behalf of their children.

Academic proficiency should be measured in relation to standards that fully prepare students for a broad range of options in pursuing college or careers at the completion of their Pre-K–12 education. The law's bureaucratic system of standardized tests, rankings, and sanctions interferes with ongoing efforts to boost achievement for all children and neglects to focus attention and resources on those individual students who need the most help.

We recommend a shift away from a curriculum focus on minimum competence to a continuum of student services and activities that will develop graduates with sufficient

skills and knowledge to make meaningful and informed occupational and continuing education choices.

The addition of major service mandates on public schools without sufficient funding has caused major reductions in basic educational services for all students.

- Curriculum decisions should be based on current, valid research — recognizing that a single method or set of materials may not be appropriate for all learners. Sanctions that track students with low English and math scores into remedial programs narrow the educational opportunities for these students. Limiting options for elective courses in fine arts, career technical education, foreign language and other courses denies these students the opportunity for a comprehensive education.
- Program outcomes should include important job skills so that graduates have options to earn a living wage (to buy a house, afford benefits, etc.).

California has 1.5 million students classified as English Learners. Each year these students are assessed on standards tests to determine their level of English language proficiency. There is a five-level scale with “Early Advanced” and “Advanced” as the top two levels. According to state policy, when English Learners reach these levels, they are to be considered for reclassification to fluent. The current reauthorization failed English Learners and students with special needs altogether. Federal policy should:

- Develop EL growth models based on the research that distinguishes language development from academic achievement.
- Maximize the flexibility to develop definitions of language development and fluency independent of Adequate Yearly Progress.
- Include all levels of language proficiency, paying special attention to Beginning, Early Intermediate, and Intermediate levels. Core academic curriculum instruction should be properly scaffolded.
- Identify and develop effective testing accommodations for English Learners that will allow meaningful participation in the assessments and that address the unique linguistic and sociocultural needs of the English Learner without altering the test construct. These accommodations must include:
 - A word-to-word glossary, without definitions, in English and in the top ten languages indicated by the Language Census submitted to the department by the school districts. The glossary shall include high-frequency general academic words as well as discipline-specific words used in the assessments.
 - The explanation of test questions and repetition of test directions at the request of a pupil.
 - Additional time to complete the test.
 - Translations of the test directions in the top ten languages indicated by the Language Census submitted to the department by the districts.
- Analyze student achievement as a function of language proficiency.
- Develop growth models aligned with definitions of proficiency for students with special needs.

- Fund the development and adoption of primary language assessments that are aligned to the state academic content standards.

Teachers

CTA believes that establishing standards of excellence for the teaching profession should be determined by members of the profession. An example of effective teachers and site administrators could include those educators who develop the knowledge and skills to meet the unique educational needs of the students and communities in which they serve.

A culture of trust, creativity and commitment is essential to creating the most effective schools, where teachers and site administrators have authentic authority over decisions affecting their students.

- Federal definition of roles of ESP should not limit the district flexibility to make personnel and placement decisions.
- Multiple forms of evaluation will allow teachers in alternative educational programs such as career and technical education to meet standards of effectiveness.
- Teacher preparation, recruitment, and retention policies are integrally linked to the arc of professional development and support.
- ESEA must respect the rights of school employees. Nothing in ESEA shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school site or school district employees under Federal, State or local law (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

California has an evolved credentialing system that has aligned testing, coursework and pedagogy to a single set of professional certification standards. The standards for teacher preparation should be developed by professionals in the field. Approved alternative credentialing programs should be a part of teacher workforce development options — as long as the programs are equal in rigor and quality to existing programs. Special attention to the procedures and standards necessary to guarantee the quality of such programs includes reasonable attention to the programs of private brokers and non-university based institutions.

The reauthorization should eliminate the federal definition of teacher quality because it lowers the rigor and relevance of the state's teacher preparation and induction standards. Definitions of teacher quality should not nullify state standards.

ESEA must ensure that:

- State and local education agencies retain the authority to determine whether teachers and principals are effective in their jobs.
- States have the flexibility to develop or select teacher evaluation instruments that are aligned either to the National Board for Professional Teaching Standards in appropriate subject areas or to state-adopted standards for professional effectiveness, such as the California Standards for the Teaching Profession (CSTP).
- States are required to explicitly define an effective educational administrator.
- States have the flexibility to develop or select site administrator evaluation instruments that are aligned either to the National Board for Professional Teaching Standards in leadership or to state adopted standards for professional effectiveness, e.g., the California Professional Standards for Educational Leaders (CPSEL).
- Site administrators are trained, qualified, supported and supervised to implement teacher evaluation instruments and procedures. They should have the knowledge base that enables them to assess teacher practice especially in specialized fields.
- Teachers and site administrators in all publicly funded schools, including charter schools and nonpublic schools, meet the same requirements for certification and for educator effectiveness.
- Resources and technical assistance are provided to states to support relevant professional development for all teachers and site administrators to strengthen their knowledge and skills.
- States are given guidance and flexibility to develop policies and procedures to evaluate the effectiveness of teacher preparation programs, especially in the use of qualitative as well as quantitative measures.
- National accreditation of a preparation program is recognized as an assurance of the quality of the teachers, site administrators, and other educators it prepares.

Paraprofessionals

CTA believes paraprofessionals are valuable contributors to the educational experience of students and the strength of high-performing schools. Federal definition of roles of ESP should not limit the district flexibility to make personnel and placement decisions.

ESEA must ensure that:

- States are given the flexibility to determine the standards for paraprofessionals to be deemed qualified.
- Professional development for paraprofessionals is undertaken to enhance their skills and abilities in order to support instruction in the classroom.
- Classroom experience may be considered in determining the qualifications of paraprofessionals.

Accountability

All stakeholders in the educational community and the public at large have a shared responsibility for student achievement, which requires the establishment of systems of reciprocal accountability. NCLB called for a broad expansion of testing and a shake-up of schools that fail to make sufficient progress with all students, including low-income children, special education students and members of minority groups.

ESEA's definition of education quality is not limited to the reading and math scores of students. This focus on testing has had unintended consequences that in many cases are proving harmful to children and public education. Reading and math became the curriculum priorities. Teachers have had to define their own priorities in terms of test performance. Yet, there is no credible research that supports the notion that there is a link between student performance in these two measures and real student learning.

We therefore recommend that:

- All testing required under ESEA must comply with the Standards for Educational and Psychological Testing jointly developed by the American Educational Research Association, the American Psychological Association and the National Council on Measurement in Education.
- Rather than focusing on arbitrary annual performance targets (e.g., AYP), ESEA must focus on appropriate and effective support of schools and students and the full implementation of the essential research-based program components for effective schools and student improvement.

Independent studies in California and other states (CT, IL, IN, LA, MA, MI, MN, OH, PA, and WI) have shown that as these bars rise higher and higher, more and more schools and school districts will find it increasingly difficult to meet AYP, and will be labeled as failing. All of these studies project that by the year 2014 — the year all students are required to be proficient in reading, math, and science — between three quarters and 99 percent of all schools will fail to meet AYP. The law as currently constructed fails to give parents and educators a fair, accurate and credible picture of which schools are improving and why.

ESEA must ensure that:

- Local school and district plans include a parental communication strategy so that district communications are regular, two-way, meaningful and timely.
- States and districts are allowed to decide the order in which to provide intervention services and allowed to retain the ability to use differentiated, research-based interventions for schools.
- Corrective action is applied only when sustained growth is not demonstrated by the same stable cohort of students for two or more consecutive years in the same subject on the same indicator.

- Corrective action does not have the effect of narrowing the curriculum or limiting course completion options for students.
- Minimum subgroup sizes for determining school success are valid and defensible and are consistently applied to the states.

Assessment and Testing

Testing should be defined as a specific event or activity that is used to measure student knowledge, skill or ability at one point in time. Assessment should be defined as the process of analyzing the results of testing for the purposes of making instructional decisions. Any testing and assessment should be required only to the extent that it improves instruction for students. ESEA provisions on assessment and accountability must be flexible and determined locally and by the state rather than federally imposed.

ESEA must ensure that:

- State tests are developmentally appropriate for the students being tested, notably in the differences between elementary and secondary students.
- Students whose parents exercise their right to opt out of state assessments under ESEA are not included in a school's participation rate, either schoolwide or as a subgroup. Parents exercising their legal rights and acting in the interest of their children should not result in penalties for schools.
- Assessments for English language learners evaluate English language proficiency and should be aligned to the level of the student's English language development as well as academic content knowledge. States should have the flexibility to determine the type of tests and the assessment policies that will be used to evaluate the outcomes of those tests.
- Full funding is provided to help states to release 100 percent of test items annually.

Definitions of multiple measures must be inclusive of developmentally appropriate content aligned activities that can document learning and academic growth.

- Multiple methods of assessing students are provided to meet the range of student needs.
- Multiple measures are not construed to mean multiple tests.

Continuous Growth towards Academic Proficiency

The reauthorization should:

- Eliminate the 100 percent proficiency requirement for all students under the AYP accountability model in 2014.
- Eliminate the 95 percent participation rate requirement under the AYP accountability model. Only the scores for students that are continuously enrolled should be counted in the state/federal accountability model.

- Allow schools with less than 100 students [e.g., alternative education schools that serve highly mobile, high-risk students in continuation schools, California Youth Authority schools, community day schools] to develop and maintain as valid and reliable their alternative school accountability models as appropriately developed by the state.
- Respect state rights to determine growth accountability models.
 - Include growth and index models as measures of annual student growth.
 - Include and recognize additional levels of student achievement, including progress towards meeting performance levels, as measures of student growth.
 - Repeal the fatally flawed, impractical, non-researched-based provision requiring states to adhere to an Adequate Yearly Progress status model of accountability.
 - Reject any effort to require a value-added growth model of accountability for states.
 - Respect, hold harmless, and regard as valid and reliable state laws on testing with accommodations and modifications for students with special needs and English language learners.

Resources

CTA believes a sustained funding level must be provided for states to make multiyear investments for both short- and long-term student improvements, including investments in data systems and in professional development for teachers, administrators, and paraprofessionals. Rather than labeling schools as failing, ESEA should instead provide the resources to help schools establish and sustain programs that have proved effective in closing the achievement gap.

There is a direct relationship between increases in education funding and increases in meeting education goals. Additional resources are needed to help improve schools that are facing sanctions, so the law becomes focused on building success, rather labeling and punishing.

The reauthorization should:

- Exempt states from implementing any federal mandates in the 1965 Elementary and Secondary Education Act that are not fully funded by Congress as determined by the state legislature and the state agency responsible for implementing federal laws.
- Demand that the U.S. Congress provide enough funding for all students to be able to meet the goals developed and adopted under the requirements of ESEA.
- Hold schools harmless for programs that could not be implemented if the funding must decrease. If funding fades, the requirements should fade.
- Define formulas for program support so that high-priority schools do not make program gains on soft funds that cannot be replaced by revenue streams that are available to more affluent districts.
- Not lose funding when program mandates have been met (program is successful).

- Not withhold funding as a sanction for low school performance. Any intervention should not result in a drain of talent in the staff or student population.

Supplemental programs

Supplemental programs and services are uncontrolled and not accountable for student outcomes. Efforts to improve these should begin from the following parameters:

- Supplemental services and tutoring programs should involve highly qualified teachers in content delivery and development.
- Supplemental services, such as teaching/tutoring core academic subjects, should be done only by HQT.
- Instead of giving away district funds to outside or private groups, allow districts to develop support programs.
- The programs should be evaluated for student performance and are monitored to ensure instruction and materials use “scientific, research-based” methods.
- District sponsored programs are better attended and selected more often than private or independent programs.
- Supplemental education services options are permitted only for those subgroups which do not demonstrate sustained academic growth towards proficiency.
- LEAs align their policies for prioritizing funding for supplemental education services to their priorities for allocating Title I funding to individual school sites.
- LEAs are not required to reserve more than 15 percent of their Title I allocation to provide supplemental education services.
- Private providers of supplemental education services demonstrate experience working with special populations, the ability to collaborate with schools, and actual student achievement outcomes.
- Supplemental education services support the core academic program of the LEA, and specific strategies for student intervention promoted by an SES provider are coordinated with the school’s improvement plan.
- SEAs should provide direct support and additional resources to improve persistently low-performing schools when more than 5 percent of a school's enrolled student population exercises school choice transfer options under federal Program Improvement (PI) status. School choice should not eliminate LEA obligations to implement a plan of correction to support the students who remain at these sites. The correction plan must include monitoring the chosen intervention strategies to assure improvement occurs and intervening again if improvement does not occur. States and LEAs must remain accountable to address and correct the systemic failures in the instructional program at these schools so that the number of students exercising school choice declines over time.

SYSTEMS

Competitive free market education reforms like Race to the Top have focused our attention on a static pie of resources divided among the competing programs and priorities. In this case the only way to help some schools would be to take away from the other schools. Reality is much more complex. The commitment to public education is 100 percent. In California commitment to education has been cut by \$18 billion in the last three years. Under ARRA, there is no single pie, but there is a vast pattern of little tarts, each growing or declining with the federal priorities.

An adequate education system should provide all students in the state with an opportunity to meet education goals.

- Schools and districts not showing student academic achievement growth over time must be the focus of intensive system support rather than punitive actions and sanctions.
- Sanctions should not result in a drain of talent in the staff or student population.
- Multiple pathways (linked learning) should foster a culture of college and workforce readiness.
- Parts of an adequate education system should include education standards that would determine if education goals were being met.
- In addition, the funding level that would pay for the whole system would also have to be appropriate and adequate.
- Simply stated, there are two major components in adequacy, one being what an adequate education entails (standards, teachers, curriculums, etc.), and the other being the appropriate funding level to provide such a system.

The U.S. Department of Education has promoted the use of regulatory flexibility allowed under the law to help deal with problems in its implementation. The reauthorization should develop a true, transparent waiver process — with thoughtful guidance for states to use alternate programs rather than penalties for failing to write improvement plans. Because one size does not fit all, the reauthorization should maximize flexibility for state implementation of federal mandates — including consideration of the needs of all student abilities in order to develop programs that match the local context.

The reauthorization should:

- Respect and hold harmless state laws on parental choice to exempt their child from statewide testing.
- Ensure that public schools are not required to provide services, including professional development support, to private schools unless those schools follow all the provisions of ESEA.
- Hold charter schools to the same accountability requirements as all traditional public schools and districts if they receive federal aid under the Title I program.

- Ensure that transparency and equity are provided in the flexibility afforded by the U.S. Department of Education to all states.
- Reinforce the Construction Section, 1116(d), which recognizes the validity and legitimacy of our locally bargained contracts. Incentives provided to recruit and retain effective teachers in difficult-to-staff subjects and schools are locally collectively bargained as appropriate.
- Require that a uniform definition of “graduation rate” is applied to all states.
- Protect the privacy of school employees and other adults in the education community in all data collection, storage and retrieval systems.
- Eliminate conflicting sanctions. Schools that do make modifications for Special Education students are penalized by ESEA, whereas schools that do not make modifications are penalized by IDEA.
- Develop guidance to prevent schools from abandoning dropouts.
- Provide more resources and support to schools in Program Improvement, especially those with a loss of ADA due to the exercise of parental choice.
- Require that the implementation date of the mandates is concurrent with the date that the regulations and guidance are in place.