

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 141 Session of
2007

INTRODUCED BY MUSTO, BOSCOLA, FERLO, LAVALLE, DINNIMAN, KITCHEN,
ERICKSON, WASHINGTON, FONTANA, KASUNIC, STOUT, MELLOW, COSTA,
LOGAN, O'PAKE, GREENLEAF, HUGHES, WOZNIAK, STACK,
C. WILLIAMS, TARTAGLIONE AND RHOADES, JUNE 30, 2007

REFERRED TO EDUCATION, JUNE 30, 2007

A RESOLUTION

1 Memorializing the President and Congress of the United States,
2 in the reauthorization of the No Child Left Behind Act of
3 2001, to address funding issues, teacher certification
4 issues, issues regarding certain disadvantaged students and
5 reliability of present assessment standards.

6 WHEREAS, The Elementary and Secondary Education Act of 1965
7 (ESEA) - No Child Left Behind Act of 2001 (NCLB) was signed into
8 law on January 8, 2002, and is currently under review for
9 reauthorization; and

10 WHEREAS, States have now had six years of experience
11 responding to the law's sweeping changes in Federal education
12 policy; and

13 WHEREAS, Although the Commonwealth of Pennsylvania supports
14 rigorous standards for its public schools, assessment of school
15 achievement, raising student achievement, closing achievement
16 gaps and ensuring that every classroom is staffed by a highly
17 qualified teacher, its experience with NCLB has revealed several
18 major deficiencies in the law; therefore be it

1 RESOLVED, That the Senate of the Commonwealth of Pennsylvania
2 memorialize the President and Congress of the United States to
3 enact legislative improvements during ESEA - NCLB
4 reauthorization to rectify the following deficiencies:

5 (1) All NCLB programs must be funded at their authorized
6 levels. NCLB has imposed additional costs on the Commonwealth
7 of Pennsylvania and its local school districts for staff
8 development, meeting expanded certification requirements for
9 teachers and paraprofessionals, additional testing,
10 additional data collection, public school choice-related
11 transportation, supplemental education services and
12 additional school improvement programs and has placed
13 burdensome mandates on teachers and support professionals
14 that prevent them from delivering a comprehensive and
15 rigorous curriculum to all students. At the same time,
16 Federal funding for Title I between 2002 and 2005 fell \$21.4
17 billion short of the NCLB authorization levels. This lack of
18 funding has made it difficult, and in some cases, impossible
19 for Pennsylvania to meet all NCLB requirements.

20 (2) The definition of "highly qualified teacher" must be
21 simplified. Fulfillment of all State requirements for
22 certification should be considered sufficient to meet the
23 Federal standard--95%, or some 93,226, of the Commonwealth of
24 Pennsylvania's teachers were deemed highly qualified at the
25 end of the 2005-2006 school year. This is because
26 Commonwealth of Pennsylvania's teacher preparation programs
27 are among the most rigorous in the United States.
28 Certification in the Commonwealth of Pennsylvania requires
29 individuals to meet high standards and complete a rigorous
30 and thorough course of study and all graduates must also

1 successfully complete a State-administered exam before
2 assuming classroom duties. Regulations adopted by the State
3 Board of Education require all teachers to have training
4 related to English Language Learners (ELL) students and
5 students with disabilities and require special education
6 teachers to be dual certified. All teachers are required to
7 continue their professional education throughout their
8 careers. There is simply no reason why fulfillment of these
9 requirements, in the Commonwealth of Pennsylvania and other
10 states, should not be sufficient to satisfy the Federal
11 standard of "highly qualified teacher." The definition of
12 "highly qualified teacher" should be revised to provide that
13 any educator who is teaching in his or her assigned area of
14 certification and has met the licensure/certification
15 requirements set forth in his or her respective state has
16 satisfied the Federal standard.

17 (3) Assessment of students with disabilities and English
18 Language Learners must be amended to reflect a realistic
19 understanding of their capacities. Absent such amendment, the
20 law dooms these children to failure by faulting them for not
21 achieving standards beyond their reach and by ignoring their
22 success. For the 2005-2006 school year, 546 schools in the
23 Commonwealth of Pennsylvania did not make "AYP" (adequate
24 yearly progress): 173 of these schools missed due to a single
25 subgroup, usually special education students or students with
26 depressed socioeconomic status. Students with disabilities
27 are called "special education" students because they require
28 adjusted teaching methods, adjusted classroom settings,
29 adjusted technology and additional services. The Individuals
30 with Disabilities Education Act (IDEA) recognizes these

1 differences and addresses them in a manner to maximize the
2 potential for success of these students. At the same time,
3 NCLB requires special education students to perform on the
4 same type of assessment tools and to the same levels within
5 the same time frames as their nonspecial peers. Common-sense
6 flexibility when assessing and counting test scores from
7 students with disabilities and ELL students is now required.
8 Individuals Education Program (IEP) teams should be allowed
9 to determine the appropriate assessment and standards that
10 the assessment should be based on for each child. The current
11 arbitrary 1% and 2% limits for alternative assessment of
12 these students must be removed. For ELL students for whom
13 native language assessments in the required core content
14 subjects are not available, the period of time before their
15 test scores are included in AYP must be extended to three
16 years. Without these adjustments, not only are special
17 education and ELL students doomed to almost certain failure,
18 their school districts will only reach AYP if their special
19 education and ELL populations are suddenly reduced to zero.
20 These children and school districts will be permanently "left
21 behind."

22 (4) Accountability must be based on multiple blended
23 measures, and sufficient resources must be provided to permit
24 states to meet these requirements. The current AYP structure
25 is flawed. It presents multiple ways to fail, yet only one
26 way for schools to meet the required progress indicators.
27 What is more, NCLB results in an overreliance on standardized
28 testing to the exclusion of other recognized indicators of
29 student achievement. The law must be amended to include valid
30 and reliable assessments for each child that accurately and

1 fairly reflect student, school and school district
2 performance. It is proposed that school districts be
3 permitted to develop a research-based school accountability
4 formula or matrix that considers multiple measures, such as
5 district-level assessments, graduation rates for high
6 schools, attendance rates, school-level assessments,
7 performance or portfolio assessments and the percentage of
8 students participating in rigorous coursework, which may
9 include dual enrollment, honors, advanced placement or
10 international baccalaureate courses. It is further proposed
11 that the law sanction the use of growth models to measure
12 changes in student performance, that every state be allowed
13 to implement a transparent growth model methodology that
14 recognizes continuous improvement for all students and grants
15 schools credit for improving student achievement at all
16 points on the achievement scale and for improving student
17 achievement over time, with the understanding that data from
18 growth models in an accountability system should be used
19 exclusively to improve instructional and curriculum decisions
20 and professional development for educators. Differentiated
21 outcomes for schools should be permitted so a school that
22 falls short in just one or two AYP criteria would be required
23 to develop and implement a targeted improvement plan for the
24 specific subgroup of students. The current system of
25 sanctions should be replaced with support systems such as
26 enhanced and comprehensive technical assistance from Federal
27 and state agencies, Federal and state assistance in
28 developing and revising improvement plans and increased
29 Federal funding for recipients to implement such plans;
30 and be it further

1 RESOLVED, That the Senate of the Commonwealth of Pennsylvania
2 transmit copies of this resolution to the President of the
3 United States, to the Secretary of Education, Margaret Spellings
4 and to all members of the Pennsylvania Congressional Delegation.