



Council of the Great City Schools
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September 17, 2001

The Honorable John Boehner
Chairman
Committee on Education and the Workforce
2181 Rayburn House Office Building
Washington D.C. 20515

Dear Mr. Chairman:

As the Conference Committee prepares to reconvene, the Council of the Great City Schools, the nation's primary coalition of large central city school districts, submits the following summary of pending issues in the two versions of the Elementary and Secondary Education Act reauthorization that are still of concern to us. The Council has met with Committee staff to discuss these issues and provided them with supplemental information.

The Council supports the basic principles of the "No Child Left Behind" proposal because it focuses on achievement gaps among the neediest children. It is essential, however, that this focus be reflected in the statutory language, not just in the policy statements. The proposal's admirable intent and goals cannot be met without properly focused activities and targeted funding to those children experiencing the achievement gaps.

The Council of the Great City Schools is particularly concerned about the inadequate targeting of federal funds because of new data showing that the **average per pupil expenditure in the nation's urban public school systems is now less than the national average**. This is the first time since the Council began collecting statistics almost 25 years ago that this has happened. The trend is largely the result of eroding state funds to inner city schools. It also underscores the importance of having federal resources that are targeted on areas of greatest need if the nation is to have any hope of improving student achievement in our urban schools.

We all know that the nation's primary educational problem, the under-achievement of poor children—particularly in reading, is not improving according to NAEP. Only 14% of low-income children read at the proficient level. We are not going to be able to solve this problem if these children have fewer resources and higher needs than other children. The Conference Committee can do the right thing and correct these inequities. It can also align available resources to the accountability provisions that the public demands. The Council urges the Committee to take these important steps and make this reauthorization worth doing.

ESEA PRIORITY ISSUES OF THE COUNCIL OF THE GREAT CITY SCHOOLS

Oppose the State Straight A's Block Grant in S. 1

Despite changes to the original State Straight A's Block Grant bill, the seven state demonstration in S. 1 still allows States to abrogate local decision-making authority over the bulk of ESEA programs. It also permits States to determine the amount of ESEA funding to be awarded to each school district. The Council contends that it is unwise to delegate authority to the States to distribute otherwise targeted federal monies when they dilute their own resources in a way that contributes to the financial disparities that Congress has historically tried to correct. The situation is made worse by S.1's language that allows "Straight A's" states to set-aside 11% of their Title I allocation (1% for administration, 5% for state activities, and 5% for school improvement) for discretionary purposes. The loopholes in the local allocation procedures will not ensure that non-Title I funds are targeted either. Finally, there is no functional "opt-out" provision for local school districts that do not wish to participate.

Support the Transferability and 100 "Charter" LEA provisions in H.R. 1

H.R. 1 provides innovative flexibility in the "transferability" proposal. Transferability in combination with the waiver authority in current law will provide local school districts with new flexibility over instructional and programmatic decisions. The 100 Charter district provision in H.R.1 will allow a select number of LEAs, moreover, to experiment more broadly with flexibility without jeopardizing the targeted nature of their funding.

Support Most Dollars to Local Level with Needs-based Targeting by Formula

Federal aid must be targeted to the school districts with the most numbers and percentages of students whose achievement is furthest behind national and state standards, i.e., the children who are the victims of the achievement gaps. The Council recommends that the conferees adopt provisions in conference committee that: (1) provide the maximum amount of funds to the local school district level, and (2) target those funds by a need-based formula to provide a predictable revenue stream for local instructional activities. These recommendations need to be applied to the Administration's "Reading First" program and to Congress' proposed technology program. Targeting can only be achieved through a needs-based formula. It has never been achieved through competitive grants allotted by state agencies. Appendix A compares the targeting provisions of both bills. The Council's recommendations for targeting federal assistance are also provided.

In addition, increasing state set-asides, such as the 5% school improvement set-aside in S. 1, diverts funds away from the local instructional activities necessary to improve achievement. Finally, the Council believes that the proliferation of small categorical ESEA programs dilutes the targeting of federal aid to the neediest children by diverting funds that would otherwise be available for the larger formula grant programs.

Support a Strong and Workable Accountability System

The Council has attached our proposal to revise the House and Senate's accountability provisions. The proposal contains a rigorous, yet attainable Adequate Yearly Progress (AYP) target tied to the best performing schools in the state. The Council's plan would require adequate yearly progress for every major subgroup of students, emphasizing the rate of progress rather than the initial achievement level at which a school or subgroup began. In order to prevent school improvement or corrective action activities from being "a mile wide and an inch deep," the Council also recommends intensive interventions in a finite number of schools within each district, based on a realistic determination of the number of low-performing schools that any district can turn-around at once.

Finally, the Council suggests that continued assistance be applied to schools that are clearly closing achievement gaps among poor and minority children, even if they are not fully attaining AYP. "Gap closing" could be demonstrated by a school's ability to improve faster than the aggregate state rate of progress on a majority of the school's disaggregated scores by subject, grade, and major subgroup. A school that is closing achievement gaps should not be sanctioned or thrown into reconstitution status as long as it is moving faster than its state is. The Council's proposed ESEA Accountability System is attached (Appendix B). It is rigorous, it holds the promise of success with intensive interventions, and it reserves the stiffest sanctions for those that are truly failing.

Reduce Mandates That Divert Funds From Important Instructional Activities

The Council does not support the requirement to transport students as part of the Title I mandatory transfer option. This and other federally imposed expenditures divert scarce dollars away from school-based instructional activities necessary to improve student achievement. The supplemental services provision alone could require between 15% to 40% of Title I allocations to be diverted to non-school activities. Finally, the Council does not support withholding or terminating federal aid as a sanction. The proposal is counter-productive and has the potential of harming rather than helping children.

Oppose Hundreds of New Federal Requirements Added onto ESEA

H.R. 1 and S. 1 add hundreds of new federal requirements and mandates to ESEA. These include application requirements, compliance requirements, staffing requirements, testing requirements, accountability requirements, assurances, mandated expenditures, notice requirements, consultation requirements, participation requirements, consent procedures, data collection requirements, and reporting requirements. Each requirement, of course, has a distinct purpose and rationale but the cumulative impact is far too burdensome for local school districts to handle. Each requirement necessitates time and money to implement, thereby diverting funds from the primary mission of improving instruction. The Council recommends deleting any requirement that is not essential to the primary instructional purpose of the program, and reducing the number of federal requirements by at least 50%.

Support the Emergency Immigrant Program

The Emergency Immigrant Program and the Bilingual Education Program currently serve distinctly different populations and should be retained as separate programs. Data on the number of recent immigrant students and the number of limited English proficient (LEP) students reveal that some states have proportionately more recent immigrants than LEP students, and other states have proportionately more LEP students than recent immigrant students. New immigrants come to school with unique needs that go well beyond those associated with learning English. Many come from poverty-ridden or war-torn environments and assimilating them into a school environment requires multiple services and strategies. The Emergency Immigrant program should remain categorical. The federal government has an obligation to support at least part of the financial impact on local schools of its national immigration policies.

Oppose Restrictions on Instructional Practices for English Language Learners

Both House and Senate bills establish provisions designed to influence the local selection of instructional approaches for English language learners. These provisions are not always in the best interests of children or they interfere with the local determination of what is in the best interest of children. The Council suspects that these prescriptive provisions violate the Department of Education Organization Act, which prohibits federal direction of state and local curriculum. H.R. 1 establishes an artificial timeline for achieving English proficiency. Both bills require testing in English when the federal government will have no idea as to whether it is valid or reliable for any specific child. The Council has no objections to annual English language proficiency testing used to gauge language acquisition or to evaluate the effectiveness of Title III programs. The Council believes that establishing an entirely new set of State standards for English Language Development, however, and another annual, nationally-mandated, statewide test (for English proficiency) is unnecessary and costly. The Council would like to balance these important language acquisition skills with efforts to acquire content skills in other academic subjects on which states are setting standards. The Council also cannot support the "opt-in" requirements contained in H.R. 1. The provision requires multiple notices and costly "informed consent" procedures that will necessitate additional administrators that Congress and others will complain later about our having. These mandates lead us to support the Senate's "triggering" provision that maintains current programs until additional resources are appropriated.

Support Appropriate English Language Learner Accommodations: The Council believes that testing and instruction solely in English without proper accommodations should not be required until a child can demonstrate academic, not playground, proficiency in English. We recommend combining the House (3 years plus 1 year) and the Senate (3 years plus exceptions) testing requirements into a goal or target of a "3 year-plus 1 year-plus exceptions" provision. The Council further recommends deleting the artificial timelines for learning English and providing equal attention to language acquisition and academic content skills. Finally, the Title III program should be evaluated based upon the performance of the LEP children served in the program rather than on children who may not have received services yet.

Support Mandatory IDEA Funding

Although IDEA funding has increased appreciably since the mid-nineties, full funding of IDEA (40% of the national average per pupil expenditure for each disabled child) will not be attained for another twenty years, even at the current rate of increases. Mandatory IDEA funding is the only way to assure full funding in this decade. The Council strongly endorses the Hagel/Harkin full funding provision in S. 1.

Support A Significant School Renovation and Repair Program

S. 1 contains a number of school facilities renovation and repair provisions in Innovative Strategies (sec. 5352) and Healthy Schools (sec. 4802). The Council supports these provisions. The Council recommends combining and expanding these provisions to encompass activities and funding similar to those under the Emergency School Repair Program in the FY2001 appropriations bill. The nation's schools could lose \$1.2 billion in funding next school year without such an authorization.

The Council hopes that these comments along with the targeting and accountability proposals that are attached are useful to the Conference Committee in its deliberations about how to improve the quality of education throughout the nation. Thank you for your consideration.

Sincerely,

Michael Casserly
Executive Director