

United States Senate

WASHINGTON, DC 20510

February 15, 2007

The Honorable Edward M. Kennedy
Chairman
Committee on Health, Education,
Labor, and Pensions
U.S. Senate
Washington, D.C. 20510

The Honorable Mike Enzi
Ranking Member
Committee on Health, Education,
Labor, and Pensions
U.S. Senate
Washington, D.C. 20510

The Honorable Christopher Dodd
Chairman
Subcommittee on Children and
Families
U.S. Senate
Washington, D.C. 20510

The Honorable Lamar Alexander
Ranking Member
Subcommittee on Children and
Families
U.S. Senate
Washington, D.C. 20510

Dear Chairman Kennedy, Ranking Member Enzi, Chairman Dodd, and Ranking Member Alexander:

We are pleased that the Senate Health, Education, Labor, and Pension Committee recently held a roundtable discussion on the No Child Left Behind Act (NCLB) and school improvement issues. We also welcome the Chairman's announcement that he will examine a range of issues as part of the ESEA/NCLB reauthorization process. The upcoming Committee hearings and discussions over the coming months will be an opportunity to address concerns regarding the law's funding and implementation since NCLB's enactment in early 2002. We look forward to working with you to examine NCLB and the effects it has had on schools around the country. As you know, students and teachers are well into their fifth school year of complying with the mandates of NCLB, and throughout this time we have received feedback from our constituents about the noble intentions of the law. But while we support accountability in our schools, we have also heard about the multitude of implementation problems with the law's provisions and believe these concerns must be brought before this committee. We have concluded that the testing mandates of No Child Left Behind in their current form are unsustainable and must be overhauled significantly during the reauthorization process beginning this year.

Since NCLB was signed into law, our constituents have raised many concerns about the way in which it is being implemented. Time and again, we have heard from teachers and administrators who are frustrated by the lack of flexibility in the Department of Education's implementation of the law. Additionally, national reports have also called into question the effectiveness of NCLB's statutory provisions and the effects of these provisions on students and teachers. While we all agree that states and districts should be held accountable for academic outcomes and continue working toward closing the achievement gap among their students, federal education law should not take the form of a one-size-fits-all, cookie-cutter

approach. Every state and every school district is different, and we are concerned that the mandates of the law and the Department's rigid approach to its implementation over the past five years do not take into account, and could even undermine, the variety of successful and innovative teaching methods that exist around the country.

Because of these concerns, we ask that your planned hearings focus on issues including:

Adequate Funding and Financial Burdens Facing School Districts

- the effect that federal funding well below the agreed upon authorization levels for crucial programs such as Title I and special education is having on schools' ability to meet NCLB and state standards;
- the financial cost to states and school districts for the NCLB data collection and reporting requirements, and its effect on the overall education of our children as states and districts continue to face tight budgets;

Sensible Accountability Models

- the inability of schools and districts to receive credit for student growth under the current AYP provisions of NCLB;
- the concern and likelihood that nearly all public schools may not be able to meet the goal of 100 percent proficient scores on reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year;
- the concern with the Department of Education's process for approving and denying states' amendments to their accountability plans and whether more transparency in the Department's process is needed;

Differences in School Districts Size and Composition

- the unique circumstances of rural and smaller school districts, as well as large urban districts, and in particular, the special challenges that the supplementary services and public school transfer requirements and NCLB accountability structure pose for these districts;

Effect on Teachers, Students, and Curriculum

- the long-term effects that meeting the one-size-fits-all adequate yearly progress provisions will have on students, schools, and school districts;

- the toll that preparation for the mandatory reading and math tests for students in grades 3-8, including time spent teaching to the tests, is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment; instruction time available for such subjects as social studies, art, and music; the strength of state academic standards; and the morale of students and educators;
- the degree to which requirements of NCLB are pressuring schools and teachers to narrow curriculums to the subject and content areas that appear on standardized tests;
- the ongoing efforts to align the NCLB and the Individuals with Disabilities Act, and particularly how we can ensure that meeting the NCLB's accountability goals is not in conflict with the education goals in a student's Individualized Education Plan;
- the unique challenges that the accountability provisions pose for special education students and students with limited English proficiency, including efforts to ensure that these students are tested in a manner that is tailored to their individual needs;
- the ongoing problems with the Reading First program as documented in the recent Inspector General report;
- the need for additional federal funding for professional development and for the costs of providing additional training for paraprofessionals, as well as the need for increased funding for teacher and principal recruitment and retention in light of the expected teacher and administrator shortage, on the ability of states and school districts to comply with the NCLB requirements for highly qualified teachers and paraprofessionals;

Supportive Interventions for Struggling Schools

- the federal sanctions structure included in the law, which focuses more on taking away from schools than on targeting resources to what those schools need to succeed; and
- the implementation of the supplemental services provisions, including implications for federal civil rights law.

If we are to continue providing our nation's children with the best possible public education, a full discussion of these and other issues surrounding implementation of NCLB is seriously warranted. We urge you to address these issues during the reauthorization process beginning

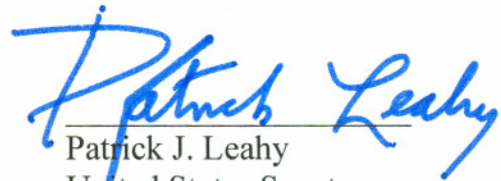
this year and begin providing some relief to the mounting frustrations of our constituents. Above all, we must ensure that their voices are the ones heard most prominently during the reauthorization of the ESEA. We look forward to working with you to ensure that NCLB's continued implementation is flexible and meets the needs of students, teachers, school districts, and states.

Thank you for your commitment to exploring the practical effects of NCLB and for your attention to this request.

Sincerely,



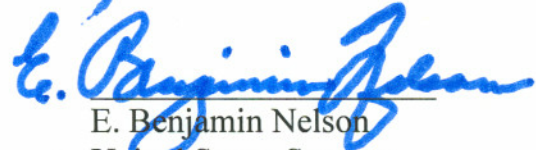
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United States Senator




Patrick J. Leahy
United States Senator



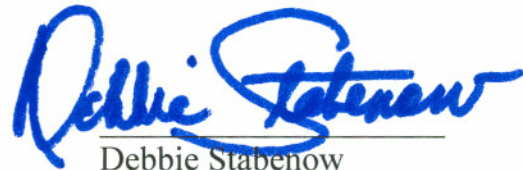
Maria Cantwell
United States Senator



E. Benjamin Nelson
United States Senator



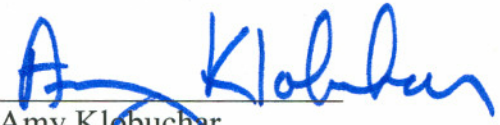
Carl Levin
United States Senator



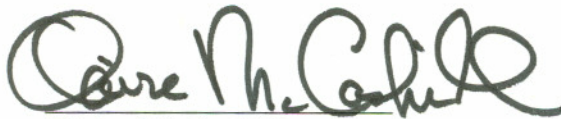
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