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NO CHILD LEFT BEHIND'S EDUCATION CHOICE PROVISIONS: ARE STATES AND SCHOOL DISTRICTS GIVING PARENTS THE INFORMATION THEY NEED?

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON EDUCATION REFORM

OF THE

COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES

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FIRST SESSION

October 20, 2003 in Taylors, South Carolina

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NO CHILD LEFT BEHIND'S EDUCATION CHOICE PROVISIONS: ARE STATES AND SCHOOL DISTRICTS GIVING PARENTS THE INFORMATION THEY NEED?

Monday, October 20, 2003
U.S. House of Representatives
Subcommittee on Education Reform
Committee on Education and the Workforce
Taylors, South Carolina

The Subcommittee met, pursuant to call, at 10:15 a.m., in the Brushy Creek Elementary School, Taylors, South Carolina, Hon. Jim DeMint presiding.

Present: Representatives DeMint and Carter.

Staff Present: Amanda Farris, Professional Staff Member.

Mr. DEMINT. A quorum being present, the Subcommittee on Education Reform of the Committee on Education and the Workforce will come to order.

We are meeting here today to hear testimony on No Child Left Behind's Education Choice Provisions: Are states and school districts giving parents the information they need? I am eager to hear from our witnesses, but before I begin, I ask for unanimous consent for the hearing record to remain open 14 days to allow Members' statements and other extraneous material referenced during the hearing to be submitted in the official hearing record. Without objection, so ordered.

STATEMENT OF HON. JIM DeMINT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Good morning, everyone. I do appreciate everyone being here. It is a privilege to be back in my own district reviewing some key aspects of education in the No Child Left Behind Act.

I would like to take this opportunity to thank Congressman Carter who has come all the way from Texas to be here in South Carolina in order to make this hearing possible. Mr. Carter, I appreciate your willingness to join me in reviewing this very important issue for our children across America.

I would also like to thank everyone at Brushy Creek Elementary for opening up their fine school to us today. I would especially like to thank Principal Sandra Monts for all of her hard work.

We are here today to discuss the issue of how public school choice and supplemental education service provisions in the No

Child Left Behind Act are being implemented at the state and local level.

As many of you know, the No Child Left Behind Act is a landmark piece of legislation that seeks to ensure that all children learn. To do this it requires annual testing of public school students in reading and math in grades three through eight, report cards for parents on school achievement levels, improved teacher quality requirements that ensure all students are being taught by a qualified teacher and public school choice and supplemental service options for parents with children in underachieving schools.

I am confident No Child Left Behind will help close the achievement gap that exists in America between disadvantaged students and their more affluent peers.

One of the key elements in the No Child Left Behind Act centers around giving parents information about the quality of their children's education, and then empowering those parents to make decisions about that education.

Although education choice and supplemental services were supposed to be fully implemented at the beginning of 2002 and 2003 school year, the U.S. Department of Education's review of implementation over the last year indicated that compliance has been sporadic.

It appears as though some school districts did not offer education choice or supplemental services to all students who were eligible. Some did not offer sufficient choices to eligible students. Others did not fund educational choice-related transportation and supplemental educational services at the level required under the Act.

I understand the confusion that some states and school districts have about the implementation of some of the choice provisions in No Child Left Behind. I want to assure you that I, along with other Members of the House Education and Workforce Committee, am working closely with the U.S. Department of Education to ensure that everyone at the state and local level has the information and technical assistance they need to successfully implement the law and improve education in the state of South Carolina.

I am confident that the educational reforms in No Child Left Behind will yield improved results for South Carolina's children. I look forward to hearing from all of our witnesses this morning. I am confident that we will be able to work together with all of you to ensure that the law is fully and successfully implemented in our state.

Again, I would like to thank everyone for attending today. I would especially like to thank our distinguished witnesses for their participation. I look forward to your testimony.

[The prepared statement of Mr. DeMint follows:]

Statement of Hon. Jim DeMint, a Representative in Congress from the State of South Carolina

- Good morning. Thank you for joining us here today.
- I would like to take this opportunity to thank Congressman Carter for taking time out of his busy schedule to come to South Carolina in order to make this hearing possible. Mr. Carter, I appreciate your willingness to join me in reviewing this very important issue for children across America.
- I would also like to thank everyone at Brushy Creek Elementary for opening up their fine school to us today. I would especially like to thank Principal Sandra Monts for all of her hard work.

- We are here today to discuss the issue of how the public school choice and supplemental educational service provisions in the No Child Left Behind Act are being implemented at the state and local level.
- As many of you know, the No Child Left Behind Act is a landmark piece of legislation that seeks to ensure that all children learn. To do this it requires annual testing of public school students in reading and math in grades 3–8, report cards for parents on school achievement levels, improved teacher quality requirements that ensure all students are being taught by a qualified teacher, and public school choice and supplemental service options for parents with children in underachieving schools.
- I am confident No Child Left Behind will help close the achievement gap that exists in America between disadvantaged students and their more affluent peers.
- One of the key elements in the No Child Left Behind Act centers around giving parents information about the quality of their children's education, and then empowering those parents to make decisions about that education.
- Although educational choice and supplemental services were supposed to be fully implemented at the beginning of 2002–2003 school year, the U.S. Department of Education's review of implementation over the last year indicated that compliance has been sporadic.
- It appears as though some school districts did not offer educational choice or supplemental services to all students who were eligible. Some did not offer sufficient choices to eligible students. Others did not fund educational choice-related transportation and supplemental educational services at the level required under the Act.
- I understand the confusion that some States and school districts have about the implementation of some of the choice provisions in No Child Left Behind. I want to assure you that I, along with other members of the House Education and the Workforce Committee, am working closely with the U.S. Department of Education to ensure that everyone at the state and local level has the information and technical assistance they need to successfully implement the law and improve education in the State of South Carolina.
- I am confident that the educational reforms in the No Child Left Behind Act will yield improved results for South Carolina's children. I look forward to hearing from all of our witnesses this morning. I am confident that we will be able to work together with all of you to ensure that the law is fully and successfully implemented in our state.

Mr. DEMINT. At this time, I would like to yield to my colleague, Mr. Carter, for an opening statement he would like to offer.

STATEMENT OF HON. JOHN R. CARTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. CARTER. Good morning. First, I would like to thank Congressman DeMint for holding this hearing. I look forward to this hearing and to hear from all of the witnesses that are going to be here, those folks who are kind enough to be with us this morning.

I think I ought to tell you a little bit about me so that you know who this stranger is up here. I am from—the part of Texas that I am from is central Texas. I live just north of Austin, which is the capitol city. My district stretches from Austin to Houston. It also includes Texas A&M University, which is a big deal. My background is that I have been for the last 20 years a state district judge, so if I appear to be frowning at you from time to time, I apologize. That is the nature of being a judge. You sit and frown at people, but I really am not that mean. I am real happy to be here in South Carolina. I want to thank you for bringing up this beautiful weather which welcomed me when I got here.

No Child Left Behind is a critical piece of educational legislation that will help close the achievement gap that exists in America between disadvantaged students and their more affluent peers.

Through hard work—the hard work of state and local educational leaders we will ensure that every child regardless of race, economic background, ability or geography has access to first class education. No Child Left Behind reflects the four pillars of President Bush's education reform agenda—accountability in testing, flexibility in local control, funding that works and expanded parental option. No Child Left Behind requires annual testing of public school students in reading and math in grades 3 through 8, report cards for parents on school achievement levels, improved teacher quality requirements that ensure all of our students are being taught by qualified teachers and public school choice supplemental service options for parents with children in underachieving schools.

Improving education by increasing options for parents and students is top priority for Republicans in Congress. School choice offers proven results of better education not only for children enrolled in specific plans but also for children whose public schools benefit from increased competition. We are believers in competition. Currently more affluent parents already have school choice because they have the ability to send their children to the best schools available, including moving to a better neighborhood. Low income parents are all too often forced to keep their children trapped in underachieving and dangerous schools that do not teach and do not change. These students should have an escape route. Giving parents new options to achieve greater choice and competition in their child's education is the critical next step in education reform not only for thousands of disadvantaged students but also for struggling schools and districts. Our educational system should serve the students. The students are important, not the educational system.

The provision of supplemental services is a critical element in No Child Left Behind. Supplemental services provide an important option for students that are trapped in underperforming schools by allowing them to access additional tutoring and specialized services in order to improve their academic achievement. Supplemental services provide an important alternative to public school choice in rural areas since transportation to better performing schools is difficult in rural communities.

I was visiting with a lady just a few minutes ago here talking about the rural communities. We have a lot of rural communities in Texas. Many of those are much farther apart than they are here in South Carolina. That is the whole purpose of coming up with this alternative.

As a Member of Congress from the state of Texas, I am about—I am pleased that my home state has been able to approve approximately 30 supplemental service providers that are helping students to achieve academic—to improve their academic achievement.

I would also like to take this opportunity to thank Congressman DeMint for organizing this hearing. I would like to thank all of the witnesses that are here today. I am looking forward to hearing from the folks here in South Carolina. Thank you.

Mr. DEMINT. Thank you, Mr. Carter.

We have two panels of witnesses today and I will begin by introducing the witness on our first panel. Ms. Nina Rees, Deputy

Under Secretary, Office of Innovation and Improvement for the U.S. Department of Education in Washington.

Ms. Rees currently leads the newly created Office of Innovation and Improvement for the U.S. Department of Education. Previously Ms. Rees was one of the four aides to Vice President Cheney advising him on domestic policy issues. From 1997 through 2001 Ms. Rees served as the Chief Education Analyst for the prestigious Heritage Foundation, earning the Foundation's Rita Ricardo Campbell award in 1999 because of her outstanding contributions to the analysis and promotion of the Free Society.

Ms. Rees, we normally limit our witnesses to 5 minutes but since you are the whole first panel, I will give you some discretion in taking as much time as you need to discuss your testimony and to answer our questions. So please begin.

STATEMENT OF NINA S. REES, DEPUTY UNDER SECRETARY FOR INNOVATION AND IMPROVEMENT, U.S. DEPARTMENT OF EDUCATION

Ms. REES. Thank you, Mr. Chairman.

Mr. Chairman and Mr. Carter, thank you for the opportunity to testify before you today about the public school choice and supplemental service provisions of the No Child Left Behind Act.

I would also like to take this moment to thank Mr. DeMint for his leadership in expanding educational choice, namely your recent effort to expand choices for students with disabilities.

Choice and supplemental services under Title I are probably one of the most important provisions of No Child Left Behind and ones that the Bush Administration has been focusing on a great deal over the past few years.

Ensuring that these provisions are implemented properly is one of the key goals of the Department of Education, one of the reasons why the Secretary of Education created my office of Innovation and Improvement a little over 10 months ago. In addition to administering roughly 25 grant programs, our office is also charged with coordinating the implementation of the public school choice and supplemental service provisions of No Child Left Behind and with forging strategic linkages between the two provisions and other choice-related programs that the Department oversees and administers such as the Charter School grant p-Program.

Again, while our office has only been around for 10 months we have spent a great deal of time thinking about ways to make school choice a reality for students who are currently attending schools that are in need of improvement or corrective action.

Now before describing what exactly it is that we've done to help implement these provisions, I want to tell you a little bit about the public school choice and supplemental service provisions of the law, because I feel that a lot of times when you go to states and school districts there is still a lot of confusion as to what exactly the law outlines.

As you know, the No Child Left Behind establishes consequences for schools that receive Title I funding and fail to make what we call "adequate yearly progress" over a period of years. So if a Title I school does not make adequate yearly progress for two consecu-

tive years it is identified as a school in need of improvement and every child in that school qualifies for public school choice.

If a school enters into its second year of improvement because it fails to make adequate yearly progress for 3 years in a row, the district must also offer to students enrolled in that school who are from low-income families access to what we call "supplemental services", which are also known as after-school tutoring and other instructional aids in order to make sure that the child comes back up to the grade level that he or she is supposed to be performing at.

The statute also includes very specific requirements regarding the amount of money that the affected districts must spend on public school choice and supplemental services. We have in essence told the districts that they can set aside up to 20 percent of their Title I funds for public school choice and supplemental services, but they do not necessarily have to only rely on Title I funds, they can certainly use other pots of money if they have access to other resources. Of that 20 percent, 5 percent must be set aside for transportation, for public school choice and at least 5 percent must set aside for supplemental services. The statute also sets forth requirements on the amount of money a district must spend per individual student for supplemental services. This comes to somewhere about $800 to $1500 or more, depending on the school district that the child resides in.

Now those are some basic requirements under the statute. The Department has spent a lot of time over the past year putting together questions and updating the guidance that is made available to states and school districts for districts to be able to implement these provisions as well as possible. However, we also feel that a lot of school districts, even though they want to follow the letter of the law, oftentimes do not have the resources and the know-how at their disposal in order to be able to implement these provisions in a quick and effective way, which is why my office has been in the process of putting together a booklet of best practices in both of these areas, which will be released sometime in March or April of 2004.

Now let me say a little bit about what we have heard so far and how we think the implementation of these provisions is proceeding so far. We do not yet have any kind of national data available to us from states about the status of implementation in different school districts. But based on the reports we have gotten so far from different districts, the media and other outlets, we have basically identified four distinct problems with the way the implementation is occurring around the country.

First of all, implementation occurred in a very uneven fashion in 2002-2003. States often did not have their test scores available in time to be able to identify schools in need of improvement, which is the first thing that needs to happen before a district offers public school choice or supplemental services. States also took some months to approve their initial pools of supplemental service providers. But we would also admit that by the second semester of last year a lot of districts had access to their lists and also had access to the state lists of providers. We hope, also, that we will probably

see much more consistent implementation of the law in this existing school year.

Second, state approval of supplemental service providers has increased significantly, which means that parents opportunity to select the services that are best for their children has also increased. In fact, a quick look at the State Department of Education's website identifies over 1400 providers in different parts of the country standing ready to serve students. Nonetheless, not all communities have available a comparable range of service providers. Access in rural communities is very spotty.

Third, the Department has received reports that some districts are not funding choice-related transportation or supplemental services at the levels called for in the statute. When we receive these reports, what we tend to do is call the state education agency to ask them to tell us a little bit more about why a particular school district has not been setting aside the necessary sum of funds. Note, however, that it is not always clear prior to the investigation whether the law has been violated. In fact, districts can spend less than the statutory funding levels for transportation and supplemental services if they have satisfied the demand for these services. That is kind of a rough area that is difficult for us to decipher, and we need to discuss a little bit more about if we want the implementation to go a lot more smoothly.

And last—and this relates to my final point which I just raised. We are finding numerous instances around the country where a school district is arguably abiding by the law, it is really not yet implementing the requirements very well. Again, this is why it is so important for my office and other folks at the Department to be thinking of ways to assist school districts with "best practice" models and other types of technical assistance so they can better implement these provisions of the law.

In saying this, I do not intend to be overly critical of states or school districts. I know that both choice and supplemental services impose new administrative requirements on them and also pose complicated issues that can be difficult to resolve. But I strongly believe that these types of issues provide a compelling basis for the Department's efforts to work with states, school districts and providers on resolving some of these issues so we can do a better job of aggressively implementing these provisions of the law.

Mr. Chairman, that concludes my remarks. I would be happy to take any questions you may have.

[The prepared statement of Ms. Rees follows:]

Statement of Nina S. Rees, Deputy Under Secretary for Innovation and Improvement, U.S. Department of Education

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify before you today on implementation of the public school choice and supplemental educational services requirements of Title I of the Elementary and Secondary Education Act of 1965, as reauthorized by the No Child Left Behind Act of 2001.

Choice and supplemental services under Title I are two of the most important elements of No Child Left Behind, and the Bush Administration has made their successful implementation a very high priority. No Child Left Behind provides resources for schools identified for improvement to adopt new instructional approaches, curricula, and teacher professional development strategies, and to carry out other activities designed to enable them to provide all children with a high-quality education. But the process of turning around a troubled school can take time,

and during the school improvement process, parents of children attending a school identified for improvement must have options for ensuring that those children receive high-quality educational services. The choice and supplemental services provisions give them two very powerful options. Both provide parents, who are a child's first and most important teacher, additional opportunity to be involved in, and make important decisions about, their child's education. Both are based on the principles of quality and accountability—the choice provisions because, under the statute, eligible students may transfer only to schools that are not in "school improvement status," and the supplemental services provisions because services may be provided only by organizations or other entities that have a track record of success and are willing to be held accountable for results. These components of No Child Left Behind thus have the potential to make a major difference in educational outcomes for children attending schools in low-income communities.

Ensuring that these provisions are implemented well is one of the reasons Secretary Paige created, late last year, the Department's new Office of Innovation and Improvement, the office that I lead. In addition to administering a number of the Department's grant programs, we are charged with overseeing, with the Office of Elementary and Secondary Education, the implementation of choice and supplemental services and with forging strategic linkages between the two provisions and other choice-related programs and activities, such as charter schools and private schools, that are within my office's jurisdiction. While our office has been in existence for only about 10 months, we have already devoted considerable time and attention to this part of our mission.

Before describing what we have done and the activities that we have under way, it may be useful to summarize for the Committee some of the major requirements of the Title I statute and regulations related to choice and supplemental educational services.

As you know, the No Child Left Behind Act establishes consequences for schools that receive Title I funding and fail to make "adequate yearly progress" (AYP) over a period of years. If a Title I school does not make AYP for two consecutive years, it is identified for improvement, and the local educational agency must give all students attending that school the opportunity to transfer to another school within the district. The schools to which those students are given the opportunity to transfer cannot be schools that have been identified as in need of improvement. In addition, the regulations require that all students be given at least two choices of schools to which they can transfer, so long as there are that many eligible schools in the district.

Although many school districts have had open enrollment or other choice programs in place for years, one of the key elements of No Child Left Behind is that districts must provide, or provide for, transportation for all students who elect to change schools under the Title I choice provisions, up to a spending limit in the statute. This makes the exercise of choice much more realistic than it would otherwise be.

In addition, the law sets out requirements that apply in situations in which there are no choices available within a district—for instance, because the district has only one school at a particular grade level, or because all schools at that level are undergoing improvement. In these cases, the school district must, to the extent feasible, enter into agreements with other districts that can absorb some of its students as transfers.

If a school enters its second year of improvement, because it fails to make AYP for another year, the district must also offer, to students enrolled in that school who are from low-income families, the opportunity to receive supplemental services. Supplemental services are tutoring and other academic enrichment services that are provided outside the regular school day, that add to the instruction students receive during the school day, that are of high quality and research-based, and that are designed to enable students to increase their academic achievement and attain proficiency according to State standards. These services are an alternative to the continuing opportunity to transfer to another school.

Any type of entity—a public school or school district, a private school, a for-profit or non-profit organization, a community or faith-based organization, even an individual teacher or group of teachers who create an entity under State law—can become a provider of supplemental services, so long as it is approved by the State as having a high-quality program and a strong track record. States then inform local school districts of which providers are available to provide services in their area, and parents can select the provider that they believe is most appropriate for their child. Once a selection is made, the school district enters into a contract with the provider, spelling out the services to be provided, the goals to be attained, how

progress toward those goals will be measured, and how the family and the school will be kept informed of that progress.

The statute also includes very specific requirements regarding the amount of money that affected districts must spend for choice-related transportation and supplemental services. Any district that has schools covered by the choice and supplemental services requirements must spend at least the equivalent of 20 percent of its Title I allocation on the combination of choice-related transportation and supplemental services. (A district may, at its option, spend more for these purposes.) Within that 20 percent, at least 5 percent must be used for transportation and at least 5 percent for supplemental services, with the remaining 10 percent allocated at district discretion based on relative need and demand. The statute also sets forth requirements on the amount of money a district must spend, per individual student, for supplemental services.

Those are some of the basic requirements. Because choice and supplemental services are very new elements of Title I, the States and the districts have needed much more information than just the basics. The Department has responded by completing and issuing comprehensive guidance on both provisions. We issued draft guidance on choice and supplemental services last December, and then released an update to the supplemental services guidance, mainly responding to new questions we had received, in August. We are currently updating the choice guidance, and hope to release the new version very soon. We have been active in explaining these guidance packages, through conferences and other activities with State and local administrators.

The law, the Department's regulations, and the guidance, taken together, tell States and school districts what they may do, what they may not do, and what they have to do. But for successful implementation, administrators at the State and local levels need more; they need ideas and strategies for doing these things well. My office has responded by commissioning a series of publications describing "best practices" in different areas. The first two of these publications, which will look at choice and supplemental services, will be available in late winter and early spring of next year. They will respond to districts" concerns in such areas as how to provide all eligible students with choice when the number of spaces in available schools may be limited, or how to provide supplemental services effectively through distance learning.

I believe that supplemental services will not be effective—or at least not as effective as they could be—if there is not a wide range of service providers available. This may be particularly important in rural communities, where some of the established providers do not have a presence. Some of the more rural States have approved only a handful of providers. The answer, I believe, will be to encourage more local groups and organizations to become providers. Through my office, we are reaching out to the private school community, to encourage private schools to become providers, and the Department's Center for Faith–Based and Community Initiatives is making a similar effort with faith- and community-based organizations. In addition, we are reaching out to the community of providers of after-school programs and in December we will hold a conference, jointly hosted with the Mott Foundation, on building linkages between supplemental services and 21st Century Community Learning Centers programs.

The new provisions also will not be successful if the parents of eligible students do not know about them. While school districts are responsible for notifying those parents about choice and supplemental services, a letter coming home from the district may not be enough. In order to broaden public awareness of supplemental services, the Department contracted for a series of video news releases and public service announcements that aired in communities during the time their school districts were enrolling students for services.

Let me say a little bit about how I think the implementation of choice and supplemental services is proceeding. We do not yet have national impact or evaluation data—it is simply too early to obtain that kind of information—but based on reports from the States, school districts, and the media, I think the following can be said with some confidence:

- Implementation occurred unevenly during school year 2002–2003. States often did not have their test score data available in time to identify schools as in need of improvement before the beginning of the school year, which meant that parents were not given the opportunity for choice in time. States also took some months to approve their initial pools of supplemental service providers, which meant that services were not available early in the school year. By the second semester, however, students were receiving services in almost all States. We hope for, and expect, much more consistent implementation this school year.

- State approval of supplemental service providers has increased significantly, which means that parents" opportunity to select the services that are best for their children has also increased. As of the end of September, States had approved over 1450 providers, as indicated by postings on their websites. Nonetheless, not all communities have available a comparable range of service providers; access in rural areas can be spotty.
- The Department has received reports that some districts are not funding choice-related transportation or supplemental services at the levels called for in the statute. Some may be arbitrarily limiting the amount they spend in total, or the amount spent per pupil for supplemental services, at less than the statutory requirements. When we receive these reports, our practice is to notify the State educational agencies, which have responsibility for first-line enforcement of Title I requirements, and ask them to investigate the situation and ensure that any violations of the law are corrected. Note, however, that it is not always clear, prior to an investigation, that the law has been violated. Districts can spend less than the statutory funding levels for transportation and supplemental services if they have satisfied the demand for those services.
- This relates directly to my final point about implementation. We are finding numerous instances, around the country, where a school district is arguably abiding by the law, but is not yet implementing the requirements very well. Some have notified parents about choice and supplemental services, but did not make the aggressive outreach effort one would hope for and, thus, many families did not really find out what was available. Some made it more difficult for parents to sign up than they could have, for instance by requiring them to enroll at district headquarters. Some have established what may be unreasonable contractual requirements with providers, or made it difficult for outside providers to make use of school facilities.

In saying these things, I do not intend to be overly critical of the districts. I know that both choice and supplemental services impose new administrative requirements on them and also pose complicated issues that can be difficult to resolve. And contractual requirements that may seem burdensome to providers may make good sense. But I strongly believe that these types of issues provide a compelling basis for the Department's efforts to work with States, school districts, and providers on resolving any issues and to identify and disseminate information on best practices. We will continue with that very aggressive effort this year.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions you or the other Members may have.

Mr. DEMINT. Great. Thank you, very much.

Let me ask kind of a general question just to make sure that we have covered it. What does the Department of Education—or why does the Department of Education think that public school choice and the availability of supplemental services will help every child learn?

Ms. REES. To answer that question, I think it is important to give a little bit of background about why these provisions were put in place to begin with. Most individuals who have studied the course of Federal education policymaking since 1965 would attest to the fact that the way we have been funding states and school districts so far has not been an effective way for us to see if these programs that we are funding are actually raising student achievement. So one of the key things that the President and the Secretary did upon taking office and putting in place No Child Left Behind was to also put in place a series of consequences when states and school districts and schools that received Federal funds were not able to raise student achievement on a regular basis. So the idea behind public school choice and supplemental services is really predicated on the notion that the funds available at the Federal level are funds targeted at the needs of low-income students, and that we need to trust the parents of those students with the deci-

sion as to where they should be educated at times when the school system has failed, for whatever reason, to raise their student achievement on a regular basis. So it is a shift in thinking from simply funding school systems to funding the needs of individual children and trusting their parents a little bit more.

Mr. DEMINT. In your opinion, are the school districts reserving the required amount of funding in providing the necessary transportation to facilitate the school choice?

Ms. REES. As I mentioned in my testimony, it is very difficult for us to access whether they are in fact setting aside enough funds. The reports we are getting from the provider community primarily indicate that they are not setting aside as much as the law has required. But at the same time, as I mentioned, if they can demonstrate that there is no need for these services, they can always spend less on choice and supplemental services and shift the funds to other types of programs that they have to offer. The statute does not require them to create a separate pot of money for choice and supplemental services, so in looking at their bookkeeping you can also not detect as to where exactly they are investing the funds for choice and supplemental services. And again, these are glitches along the way that we hope to overcome by highlighting "best practice" models and showing them how they can best provide choice and supplemental services while at the same time ensuring that if they have extra funds they can at some point in time invest it in other needs that their schools have.

Mr. DEMINT. You mentioned best practices, and I see that one of the roles of the Department of Education is to identify where these programs are working best and to communicate that back to districts all across the country. Is that happening now?

Ms. REES. We have commissioned a study to look at best practice models. Unfortunately unlike some other areas—other innovative areas that the Department is investing in, such as charter schools and public school choice—this is a very new area. So we have not been able to find one school district that is doing everything that the statute and the regulations have outlined in a very effective fashion. However, we are hopeful that by the time this report is published that we have at least identified certain practices within each district that address some of the components of the law, be it parental outreach or communications, and work with the provider community so we can identify different things that they are doing. Also that you can offer a full picture to a district that may be wanting to use those practices to do everything in a proper way.

Mr. DEMINT. One of the complaints I have heard from those involved with school district administration is that while Title I funds may be used for supplemental services they can be used for transportation, but if a student moves from one public school to another, a Title I student, that that money does not effectively follow that student to the other school. Is that true?

Ms. REES. I have also heard these complaints, except that if—depending on how the states' funding formulas work, once a child moves from one school to another, supposedly the following year the state allocations of funds will take into account that this child is now in a different school and the funds that the state is allo-

cating for that child ought to also follow that child to the new school.

Mr. DEMINT. If the new school is a Title I school.

Ms. REES. Or even if it is not a Title I school, your per-pupil allocation would ultimately end up with you in the new school.

Mr. DEMINT. OK.

Ms. REES. You would have to have at least 10 Title I students in your school in order to be considered a school that is receiving Title I for the Title I funds to continue flowing into the new school.

Mr. DEMINT. I will yield to my colleague, Mr. Carter, for some additional questions.

Mr. CARTER. This area of school funding—are the school districts calculating the per-pupil average correctly? Are districts making sure that parents are aware of this average and what does this mean to the children?

Ms. REES. For supplemental services?

Mr. CARTER. Right.

Ms. REES. As noted earlier, based on the different reports that we are getting, primarily from the providers who are serving the students in these school systems, it appears that they are not necessarily setting aside enough money for school choice and supplemental services. Even more so, they are not setting aside the per-pupil amount that the child is entitled to in order to get services at the provider of their choice. We have several systems or several mechanisms at our disposal to investigate how well school districts are doing this. At worst, we can also go to the school district and audit the district to see if they are in fact setting aside funds. But also keep in mind that it is very difficult for us at the Federal level to delve into what 16,000 school districts around the country are doing. And in terms of the Federal role in education, we believe that we should entrust states with the responsibility of doing this type of monitoring and auditing on a more regular basis.

Mr. CARTER. The purpose of No Child Left Behind, as I understand it, is just what it says. It is child based—a child-based program, and what we are trying to do, the way I understand the concept, is to make sure that every child that graduates from school here in South Carolina has the skills to live life in this United States. Just a few minutes ago, I was interviewed by a lady on the radio and she informed me that a couple of non-performing schools here in this school district had been closed. I do not know if the reasons—I am sure the authorities had good reasons. It is not our goal to close non-performing schools, it is our goal, as I understand it, to improve non-performing schools, is that right?

Ms. REES. That is correct. However, if a school district feels that the best way to reform a school is by closing it and reopening it under new management and with a new structure in place, then that is also something that we have encouraged in the past.

Mr. CARTER. And that would be more along the lines of what we would see as the improvement is thinking outside the box as I like to say. We hope to be encouraging administrators to think outside the box and try to come up with creative new ways to make non-performing schools performing schools. We are not trying to close down and eliminate and make all those children be bused across town. We are trying to make—to encourage innovative thinking to

make those schools improve and hopefully this is sort of a carrot rather than a stick to get that done. Would you think that is a good description?

Ms. REES. Absolutely. And I think increasing options is one of the key goals of the law, and you would in essence want to have more schools created in a community rather than limiting the pool of schools within a community.

Mr. CARTER. When we are talking about the ability to transfer from non-performing schools, as I said in my opening statement, once we get out into the rural areas of a state there is no option in many instances to find another performing school within any reasonable transportation time from the non-performing school or within the district. So let us talk about the alternative program that we would have which is providing services for those children. Is that the reason—the No. 1 reason why we have come up with tutors and type of thing to provide service here? And what would you see for the rural school? What is the rural school's solution to the non-performing underprivileged student?

Ms. REES. Those are two separate questions. The Secretary has spent a lot of time thinking about ways to come up with solutions for the needs of rural districts. He has, in fact, put together a task force that is going to come up with a series of solutions, hopefully, about ways you can address these needs. But keep in mind the needs of different rural districts are very different. So what may work in Alaska is probably not going to necessarily work in another state that just happens to have a rural community.

The No. 1 reason why supplemental services was put in place was not necessarily to address the needs of students in rural communities, but more so to address this whole question of what happens once a school continues on an annual basis not to show improvement. So whereas after 2 years you have to offer public school choice, after 3 years we have asked that districts offer additional tutoring programs that parents can pick and choose from.

Am I answering your question?

Mr. CARTER. Yes, that answers the question.

Ms. REES. So the option to take advantage of after-school tutoring in instances where there are no other public schools available is something that we have put on the table, but at the same time we think it is very important for districts to think of other innovative ways to offer public school choice of some kind in these rural districts, be it through virtual schooling or creating charter schools. In fact, one of the key ways to really generate momentum for the public school choice piece of the law is by lifting the caps on charter schools and encouraging the creation of more charter schools in some areas that do not have a lot of those schools already.

Mr. CARTER. Finally, in the issue of supplemental services, what is the Department of Education doing—

Ms. REES. I am sorry. Can I just amend that?

Mr. CARTER. Yeah.

Ms. REES. The other thing we have been trying to encourage states to do is encourage interdistrict choice so that you contract with a neighboring district to send a child to a neighboring public school of your choice.

Mr. CARTER. When we talk about supplemental services, what is the Department doing to encourage more private schools, along with community-based faith-based organizations?

Ms. REES. We have an outfit—the faith-based office of the Department of Education—whose sole job is to encourage the creation of more faith and community-based supplemental service providers. Our office has also conducted a number of seminars with private school organizations. We just had a meeting— a very good meeting with the Archdiocese of Washington, D.C. to encourage them to consider becoming supplemental service providers. A lot of times these smaller schools simply do not have access to information or access to a grant writer who can apply for—or fill out the forms necessary in order to become a supplemental service provider. So we really see a real need. Well, the Department hopes to really offer more technical assistance to these schools because ultimately in order for this piece of the law to really function as well as the President and the Secretary would like it to, we need to really be able to diversify the pool of providers. Right now, what we currently have on the books are providers who are currently already in existence in Title I districts and offering services to the schools. The number of faith and private providers is fairly low, so we hope to increase those numbers in the next year.

Mr. CARTER. Thank you very much, Ms. Rees.

Mr. DEMINT. Ms. Rees, I want to thank you for taking time to come down. I know you have to leave to head back to Washington, but this has been very timely and valuable testimony. I appreciate your expertise on this issue.

I am particularly interested in the continued development of alternative supplemental services that are community based. I really look forward to a report in that area that we have more providers in the future. So I would dismiss you and ask our second panel to come forward and take their seats.

I think we have you all scrunched in there. Be sure not to push Mrs. Rushing-Jones off the stage.

[Laughter.]

Mr. DEMINT. Well, let us get started. What we would like to do with this panel is allow all of you to give your testimony and then we will go back and just ask a lot of questions, so we will not stop after each to talk. We will limit you to 5 minutes. So if you have additional statements to make, we can do that during the question and answer time, but try to hold your statements to 5 minutes so we can move through and get to the questions and answers.

We will start with Mrs. Wanda Rushing-Jones, the Coordinator of Federal Programs for the South Carolina Department of Education. Mrs. Rushing-Jones currently serves as the Coordinator of Federal Programs Unit for the Department of Education here in South Carolina. Previously Mrs. Rushing-Jones was the South Carolina Title I coordinator and Title I project supervisor in South Carolina. Also, the Subcommittee has learned that Mrs. Rushing-Jones was married this past week. So we certainly want to extend our heartfelt congratulations and thank you for spending your honeymoon here with us today.

[Laughter.]

Mr. DEMINT. So we will let you start us off and I will introduce the other panelists when we are finished.

STATEMENT OF WANDA RUSHING-JONES, COORDINATOR, FEDERAL PROGRAMS UNIT, SOUTH CAROLINA DEPARTMENT OF EDUCATION, ACCOMPANIED BY SANDRA LINDSAY, DEPUTY SUPERINTENDENT OF THE DIVISION OF CURRICULUM SERVICES AND ASSESSMENT

Mrs. RUSHING-JONES. Thank you. Mr. Chairman and members of the Committee, I cannot think of a better place to be just after the honeymoon. Thank you for having me.

What I would like to do is share with you a state perspective from South Carolina on how we are implementing supplemental services and school choice.

This past school year we did have 27 schools identified for school improvement. Currently based upon a preliminary school improvement identification, we did move forward with notification to parents on the choice issues and supplemental services. With our final school preliminary identification we have 82 schools identified for school improvement. Fifty-nine of those are implementing choice only and 23 are in the category of choice and supplemental services.

To disseminate the information about these requirements to the local school districts we use many different means. First of all, we utilize the Department's website on an ongoing basis, and we do send e-mails on a regular basis to the district Title I coordinators. We have had various meetings with our schools who are identified for school improvement and with the district staff. And this past year, to ensure the implementation was on schedule, we made calls over a 2 to 3-month period directly to the school districts to make sure they were implementing the procedures appropriately and to learn of any questions they might have so that we could share those with the Washington staff.

We have made numerous presentations to districts, we have had several conferences and held additional meetings about No Child Left Behind, but really targeting on supplemental services and choice. We have shared samples of the contracts that may be used for establishing the supplemental services with providers and parents. And with the recent guidance in supplemental services that we received August 22nd, we held a 1-day meeting on September 23rd to share all of that information with districts. And we do annually train our Title I coordinators that are new.

With the school choice provision, the process is very much one that districts would follow based upon that preliminary identification prior to the beginning of school. They did so through the purpose of newsletters or newspapers and also letters sent home to parents. For the 2003-2004 school year, we had 38,000 children approximately that were eligible for choice. Of these we understand right now 1345 children have taken advantage of choice and the number of schools offered as choice options would be 81.

There are some issues related to the choice situation that I thought I might share with you. Although school capacity is not a reason to not implement choice, it is something we do need to consider from the standpoint of finding some relief on the funding for

additional space such as portables to make a difference with that space issue.

We do also have children that are transferring to schools that are not Title I eligible in some cases. And it is true that you cannot transfer those staff with those children and use Title I funding, but with state and local budget cuts they really need to have some resources to accommodate the staffing needs.

One concern under Title I legislation is the requirement for comparability. That is a look between the state and local resources to ensure that there is a comparable basis between the Title I and non-Title I schools on a per-pupil expenditure or instructional staff/student ratio. As you start to move staff between the Title I and non-Title I schools, then it may prevent a district from being able to demonstrate comparability as is required under the Title I law.

Transportation is also an issue for a few places. In most of our districts they have been able to accommodate the choice transportation through their current bus situation, particularly with Greenville. I know they have asked on occasion to purchase a bus under Title I funding. We were waiting for an answer at one point, so they moved forward with leasing the buses. We did finally get an answer that we could purchase the bus, but the issues tied to that was still looking at whether or not this was going to be a supplementary component in addition to what had already been done for that child in prior years to get to his regular school. And also, if there was no longer a need for the bus what would be the disposition issues.

Moving to supplemental services. In the current school year we have 21 providers approved. We do not presently have a number to share with you today on the numbers that took advantage of supplemental services, because that process is underway. Everyone is starting with their notice to parents, following them now with the meetings in schools. Last year we did have 297 students that took advantage of supplementary services.

South Carolina is probably unique in the fact that we have an annual application process for providers and we thought that to be very critical as we were learning the early stages of implementation of supplemental services. We knew the word was just starting to get out to the providers and we wanted to ensure the best quality applicants that we could possibly could have as approved providers.

From the monitoring standpoint, we have been monitoring districts onsite to ensure that they have implemented the program correctly, and helping them to learn through technical assistance as well. We have been monitoring all of the applications and making sure they were meeting that 20 percent set aside. So we do not approve an application unless they have the appropriate amount in reserve.

All of the providers that were approved this past year that did offer services were monitored. We did this with the team. That team conducted phone interviews of the parents, students, providers, as well as various district staff. And then we additionally went onsite and talked with the providers about the instructional materials and the instructional delivery. Monitoring was based upon looking at the application itself that was submitted, the con-

tract that was developed, the satisfaction of parents, students, the integrity of the provider and various other pieces were reviewed. We did not look at the effectiveness of the provider this past year due to the late time of starting supplemental services with the transition under the new law.

Information for dissemination to the providers and parents has been very much where we would share the information with districts and then we are asking districts to share the information with providers. We have aided them in this process by this year including a one-page summary of the providers' services, qualifications, effectiveness, and we are lifting that one-page summary from each of the approved providers sharing it with districts and asking that they in turn then share that with the parents for decision-making. We also recommended to districts that they not only do a notice to parents but additionally have meetings at the school level where parents could come and hear the providers share what they have to offer to help them make good decisions.

There are some issues related to supplemental services that I would like to share. First with the cap of 20 percent for choice and supplemental services. It is very difficult to move forward fully with supplemental services as early as we would like because of the fact that we need to know first of all how much money is going to be spent on choice transportation before knowing how much is available for supplemental services.

The per-pupil allocation. That has also been a concern area for us. In some districts it is the $800 or $900 amount that you are talking about. In larger districts it may be $1200 per child, but for some providers that still is not sufficient.

We did find in the monitoring process some of the parents and some of the district staff are a little hesitant to talk about any of the concerns they may be having with supplemental services. There was concern for litigation issues.

We have also recently faced a facilities issue, particularly in Greenville. Last year we had one instance and we resolved that problem in a rural site and they were able to move the provider services on to a community facility. But some of the districts will have a board policy possibly for concerns with liability issues that may cause us not to be a service onsite at the school. We are hoping to work with any of those providers who are having those issues in maybe helping them to find additional facilities where they may provide services.

The rural areas. That is also a concern because the for-profit providers are not going to find it cost effective—that is what we are hearing. Now we have looked at distance learning and thus far have not found distance learning to be the answer, because we have questioned some of the quality and privacy issues of the students. But we are still looking at those options.

Minimum number of students for services. In some of our large districts, we are encountering problems with providers that agree to provide services and we anticipate things moving smoothly, but then learn they are limiting it to 50 to 100 children that they must have in certain districts before they will be able to provide services.

Mr. DEMINT. We need to cut you off.

Mrs. RUSHING-JONES. That is fine.

[The prepared statement of Mrs. Rushing-Jones follows:]

Statement of Wanda Rushing Jones, Coordinator of the Federal Programs Unit, South Carolina Department of Education

Mr. Chairman and Members of the Committee, I appreciate this opportunity to testify before you today on the implementation of the school choice and supplemental services requirements of Title I of the Elementary and Secondary Education Act of 1965, reauthorized by the No Child Left Behind Act of 2001.

I would like to share with you the State perspective on implementation of these provisions as they relate to South Carolina.

NUMBERS OF SCHOOLS IN SCHOOL IMPROVEMENT FOR THE 2002–03 SCHOOL YEAR—27 TOTAL

Number to implement choice only—12 schools
Number to implement choice and supplemental services- 15 schools

SCHOOL IMPROVEMENT FOR THE 2003–04 SCHOOL YEAR

Preliminary School Improvement List and Parental Notification

South Carolina, as many states, does not receive test information from the test contractor in sufficient time to allow a final school improvement list to be available prior to the start of school.

Therefore, our State's accountability plan, as approved by the United States Department of Education (USDE), required the development of a preliminary school improvement list. The preliminary school improvement list was disseminated to districts on July 14, 2003. Districts and schools were required to proceed with notices to parents of choice and supplemental services options for the current school year based upon preliminary school improvement identification. Any school identified for improvement on the preliminary list, but not identified on the final school improvement list, was required to honor any commitments made to parents regarding choice and supplemental services which resulted from the school's preliminary school improvement identification status.

Final School Improvement List

The districts and schools received final adequate yearly progress status charts based on the 2003 test results on August 28. Districts and schools were given time to review their data for accuracy. The final school improvement list was disseminated to districts on September 29. Schools and districts were given until October 8 to question their school improvement status. The school improvement list is currently being posted to the department's web site.

NUMBER OF SCHOOLS IN SCHOOL IMPROVEMENT FOR THE 2003–04 SCHOOL YEAR—82 SCHOOLS TOTAL

Number to implement choice only—59 schools
Number to implement choice and supplemental services- 23 schools

DISSEMINATION OF SCHOOL IMPROVEMENT REQUIREMENTS TO LOCAL DISTRICTS

- The law, regulations, and guidance documents are posted on the department's web site.
- Districts are sent e-mail updates immediately upon receipt of any new interpretation of the law, guidance, or information obtained through attendance at conferences/USDE meetings.
- Meetings have been held with districts. An initial meeting was held with all schools identified for improvement along with their district staff on April 23, 2002 to inform them of the new choice and supplemental services requirements, as well as the school improvement requirements. A follow-up meeting was held on February 20, 2003 to discuss new information and issues related to implementation of these requirements.
- Follow-up calls were made to each of the districts with schools identified for improvement on a bi-weekly basis for an extended period of months to determine the progress made in implementing both choice and supplemental services and to identify any areas of problems or concerns. Questions/issues were shared with the United States Department of Education for response as warranted.
- Presentations were also made to districts at both a fall and spring conference to update them on new interpretations of the law.

- A meeting was held May 15 and 16, 2003, with the first day being devoted to an overview of each component of the law, regulations, and guidance. The second day was spent in small group concurrent sessions providing hands-on activities and materials to assist the districts in implementing various new provisions of the law, specifically choice and supplemental services.
- Districts were provided with sample contracts to use for supplemental services.
- New draft guidance on supplemental services was received on August 22, 2003. A one-day meeting was held with all districts on September 23, 2003, to present the new guidance and to also discuss the process for school improvement plan development. At that time, information was also shared on how to complete a contract with supplemental service providers and parents.
- A training for new Title I Coordinators is also held on an annual basis.

SCHOOL CHOICE

Process - As noted, districts were advised to notify parents of the choice option based upon the preliminary school improvement list. The recommended means of notice was by letter and newspaper, at a minimum.

For the 2002–03 School Year:

- Numbers of Students Eligible—11,744
- Number of Students Opting for Choice—519
- Number of Choice Option Schools—32

For the 2003–04 School Year:

- Number of Students Eligible—38,463
- Number of Students Opting for Choice—1,345
- Number of Choice Option Schools—81

ISSUES AND CONCERNS RELATED TO CHOICE:

School capacity - Although this is not an exemption for choice, it still poses a problem that must be considered.

Need for additional staff at receiving schools—With limited State and local resources, it is difficult to accommodate the staff needs of the students opting to transfer. Many of the transfer option schools are not receiving Title I funds.

Concern for comparability among schools - Will the addition of staff for choice students result in the district not being able to meet comparability requirements under Title I of the law, whereby state and local resources must be demonstrated to be at least comparable on a per pupil expenditure or instructional staff per pupil ratio basis between Title I and non–Title I schools, or if all schools are Title I served, then among all Title I schools?

Transportation—Although most of our districts have been able to establish new bus routes within their current system of operation, Greenville has been unique in having to lease buses to establish new routes. A response was received from USDE, after much deliberation, that a bus could be purchased for transporting choice students. However, issues for consideration were shared by USDE staff. The issues were:

- How will transportation be supplementary to the mileage the child would have been entitled to at his regular school; and
- If there is no longer a need for choice transportation, how will the district dispose of the bus?

This information was shared with the district for their consideration.

SUPPLEMENTAL SERVICES

FOR THE 2002–03 SCHOOL YEAR:

- Number of Applications Received: 58
- Number of Approved Providers: 30
- Number of Approved Providers for Greenville: 5
- Number of Students Eligible for Supplemental Services Statewide—9,662
- Number of Students Statewide Receiving Supplemental Services: 297

FOR THE 2003–04 SCHOOL YEAR:

- Number of Applications Received: 64
- Number of Approved Providers: 25
- Number of Approved Providers for Greenville: 6
- Number of Students Eligible for Supplemental Services Statewide—30,921

- Number of Students Statewide Receiving Supplemental Services: Yet to be Determined (Parent meetings and contracts are underway.)

The South Carolina approval process for providers is an annual requirement. The rationale for this decision was to ensure the approval of quality applications. As we have learned more about the requirements of supplemental services and the challenges presented with implementation, we have tried to refine the application, rubric for scoring applications, and the monitoring process to address these issues.

MONITORING OF SUPPLEMENTAL SERVICE PROVIDERS

All approved providers for the 2002–03 school year that provided services to students eligible under this law were monitored. The monitoring instrument and technical standards were shared with the provider prior to the review. The monitoring was conducted by a team of individuals who brought their own expertise to the group. The knowledge base of the group included knowledge of the law, knowledge of state content standards, curriculum, and assessments, and/or experience in the process of audits, including both programmatic and fiscal. The monitoring was initially conducted by phone interview with the provider, parents and students served by the provider (to the extent of their availability), and district Title I coordinators in districts where services were rendered. A need was also seen for on-site visits to the providers to review instructional materials and instructional delivery.

Monitoring included a review of compliance with the approved application, the contract with the parent and district, the integrity of the provider, satisfaction of parents and students, as well as other critical issues. The effectiveness of the provider was not reviewed this past year since the period of service delivery was limited, as a result of the mid-year implementation allowed by USDE.

The monitoring results were posted on the department's web site. Also, monitoring issues were taken into consideration in the new round of application reviews for approval of providers.

DISSEMINATION OF INFORMATION TO PROVIDERS AND PARENTS

Districts were asked to discuss the requirements of the law for supplemental services with the providers.

General information regarding the law, regulations, and guidance was shared with providers in the mailing by the State notifying them of their status as a State-approved provider.

Information has also been posted on the State department's web site for providers and parents to reference.

Districts were encouraged to go beyond notifying parents of the opportunity for supplemental services. It was recommended that they hold meetings at the school level to allow parents to hear presentations from the approved providers prior to making a selection of a provider for their child.

This year as part of the application process, the State required a one-page summary of the provider's services, qualifications, and demonstrated effectiveness, as required to be disseminated to parents to aid them in making their selection of provider. This summary page was lifted directly from the application of all approved providers and was shared with districts for dissemination to parents.

To date, districts have begun the supplemental services process. Greenville, for example, has notified parents of their supplemental services option and they are currently holding school meetings to share with parents the services of providers, thereby enabling parents to make informed decisions.

ISSUES RELATED TO SUPPLEMENTAL SERVICES

Delay of implementation due to choice - As the law is written, the percent of funds set-aside to implement choice transportation must first be determined in order to know how much is available to fund supplemental services. This often delays the implementation of supplemental services.

Per pupil allocation - Many providers have expressed concern about the formula used for determining the per-pupil cost rate for the provision of supplemental services. For-profit providers are often not willing to provide services for $800 or $900 per child, which is often the amount available in our State.

Limited willingness to participate in monitoring - We found that many district staff and parents were hesitant to discuss with us problems/concerns with providers for fear of a legal challenge from the for-profit providers.

Use of school facilities - Greenville, for example, has a Board policy that prevents the use of school facilities by outside groups after school. Although we have encouraged districts to cooperate with providers on facility use, and we have shared with

them the option to charge rent of providers, districts are reluctant to allow the use of their space, often due to liability concerns. One provider has indicated already that they will not provide services in Greenville since they cannot offer their services on-site. Another provider has expressed a similar concern, however, they are attempting to look for a community partner to house their services. Last year, we had once such instance in one of our rural areas. As we worked with the provider, they were able to rent a community space where they could offer services. We are in the process of contacting the providers that are having difficulty finding space to see how we might assist them. Further, we plan to consider including some additional reference to this in our application.

Providers for rural areas—Only a limited number of providers are willing to work in rural areas. The for-profit providers do not feel it is cost efficient for them to travel to those areas. Thus far, distance learning has not been a solution to this problem. Based on our prior year's monitoring, we have concerns about both quality of services and privacy of students with distance learning. However, we are still open to appropriate distance learning options.

Minimum number of students for service - In some of our large districts, we are encountering problems with providers that agree to provide services, but then refuse to go into the district unless they can provide services to a minimum number of students. Our office tried to address this problem through the application process this past review cycle, but we are already beginning to see this issue surface again.

Required set-aside of funds for choice and supplemental services - Many districts are concerned about having to withhold up to 20 percent of their Title I funds for choice and supplemental services. Although we have shared with them our most recent information from USDE which allows them to reallocate the funds around early November after they have implemented these components of the law, it is difficult for the district to reallocate those funds in a meaningful way to benefit their schools at that time. It is too late to consider serving additional schools. In the recent guidance on supplemental services, a provision allows the use of other fund sources to meet the 20 percent requirement. This information was shared with districts at a meeting last month. The provision may offer relief for some districts, but not all because state and local funds are limited. Additionally, districts are faced with having to expend Title I funds in a timely manner in order to meet the 15 percent carryover provision of the law. Failure to meet this requirement will result in the loss of any excess funds above the allowed 15 percent.

In closing, South Carolina initiated implementation of supplemental services and choice based upon our best knowledge and understanding of the law. We have worked through many of the issues related to choice, and we are anxiously awaiting the release of new guidance on choice in hopes that it will offer further insight into implementation. As for supplemental services, we began the process with a three page application for providers, based solely on the law. Now, we have a comprehensive 15 page application which reflects the latest guidance and seeks to address some of the issues that surfaced in our initial implementation of supplemental services. There are many issues that we are only beginning to learn about, and we are facing each new challenge as a learning opportunity that will help us to better serve our children.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or the other Members may have.

Mr. DEMINT. Thank you for your input. We will get back to you with questions in just a moment. Thank you.

I now want to introduce Dr. Bill Harner. He is currently in his third year as the Superintendent of Schools—Greenville County Schools—

Dr. HARNER. Congressman, fourth year.

Mr. DEMINT. Fourth year.

Dr. HARNER. Time goes by.

Mr. DEMINT. This is an old resume. OK, Greenville County School District is the 64th largest school district in the Nation and the largest school district in South Carolina. Dr. Harner retired from the U.S. Army in 1998 as a lieutenant colonel and later become a faculty member at the United States Military Academy at West Point serving as a cadet performance counselor, a leadership

in character education instructor and an aide de camp of the superintendent at West Point. Dr. Harner.

STATEMENT OF WILLIAM E. HARNER, SUPERINTENDENT, GREENVILLE COUNTY SCHOOLS

Dr. HARNER. Good morning, Congressman DeMint and welcome to Greenville, Congressman Carter. It is a lovely place. I understand you came here last evening. Hopefully you will get a chance to get around and see our county and the upstate. It is gorgeous. Also, welcome to Greenville County public schools.

In Greenville County, as the Congressman talked about, we have 63,000 students—a little bit over 63,000 students in 90 schools and centers. About 30 percent of our students come from poverty as prescribed by Title I provisions. Also here at Brushy Creek, this is—as you can tell, it is a relatively brand new school. I think we are in our second full year of operation. Before it was a brand new school when it was on the property right where the parking lot is, it was awarded the National Blue Ribbon of Excellence as a Blue Ribbon school. It is an excellent school on the state report card and also most recently made AYP. One of 14 schools in Greenville County, about 22 percent of our elementary schools. We have 50 elementary schools in the county.

This morning you asked me to talk about the No Child Left Behind Act, and specifically school choice and supplemental services and how those provisions of the Act are affecting Greenville County schools.

First off, choice is not a foreign concept to Greenville County. We have had prior to the No Child Left Behind Act 8200 students on school choice prescribed through magnet school programs and parent options to go to—have their child in another school.

Also, prior to the No Child Left Behind Act three of the 12 charter schools in South Carolina were approved by the Board and are in Greenville County. That is 25 percent right now, and the Board last month approved two more charter schools. So we will have a little bit more than 25 percent. So school choice is rife and well-supported by the Board of Trustees in Greenville County along with the No Child Left Behind Act.

Last year, the first year we were required to offer school choice under the Federal provisions, we had four schools identified, two elementary and two middle schools—Hollis, Monaview Elementaries, Lakeview and Parker Middle. We were required to offer choice of those schools. Of the 1600 possible students eligible to transfer from these four schools only 140 students exercised their option and went to other schools within the district. Our spirit and intent of following the provisions of No Child Left Behind Act are to offer excellent schools. So they are—we offer those schools at both the elementary and the middle level.

This year four more schools were identified, so now we have a total of eight. They are three more elementary schools and one middle school, Cone/San Souci, East North Street, Sirrine Elementary School and Tanglewood. I would like to note that at East North Street, it is a magnet school for the science and technologies. When I arrived in the county, they only had 13 magnet students.

This year they have over 200 magnet students that are opting into this Title I school.

Also, at Tanglewood Middle School—which thank you to the Education Committee—it received a $778,000 grant for the arts, which integrated the arts through the curriculum at Tanglewood. It went from a student population—or a teacher population of 27 percent content trained to 85 percent content trained, and this past year on the pact—in the math pact they had a 16-percent growth for sixth graders, 20 percent for the seventh graders and 14 percent growth for the eighth graders. The school district average increase was 5.3 percent and the state growth, I believe, was right around 4 percent for math. I am checking my numbers with the state.

Of the about 3000 students eligible for school choice this past year, 228 have opted to attend another school in addition to the students continuing from the first year. What we are also finding is a lot of students are going back to their home-base school because of all the services that we offer at the home-base school, the Title I school, versus the excellent school.

Transportation. To transport these students last year we spent approximately $30,000. This year the costs are estimated to be a little bit more than $80,000, and that is for leasing four buses. We would like to purchase buses using Title I funds, as you heard from Wanda a little bit ago. However, the State Department of Education has advised that the Federal regulations do not allow this, by the way. I just heard this modification, so I am excited. In addition, Title I funding for transportation can only be used for mileage for transporting choice students from their base school to the receiving school. We would like this mileage to be payable from the bus driver's point of origination. It is not feasible for choice students to travel via a regular bus route to their base school and then be transported to their choice school via Title I bus route, because it puts the student on the bus probably double the time, if not more.

Receiving schools. About the schools receiving choice students such as Brushy Creek here, additional resources for choice students such as class size reduction efforts or supplemental support materials cannot be funded through Title I for non-Title I schools receiving transferring choice students. Yet the receiving schools are the ones facing the challenge of helping transferring students to achieve better results than they had at their home-base school. The No Child Left Behind Act provides no resources to assist the former Title I students who elect to transfer, and that is something that we have talked to Congressman DeMint and other members of our South Carolina delegation about, asking for flexibility.

What we have in Greenville County, the operating dollars, the local and state dollars that fund our operating costs, travel with the student and the Title I dollars stay at the home-base school. One thing we would like is to have that flexibility.

This year none of our middle schools met AYP. None of our middle schools met AYP, though we have one excellent middle school and several good middle schools. Even the school that fed the middle school that fed into Riverside High School which has the top SAT score in the state—the average for the past—the class of 2003, it did not make AYP. As a consequence of this, we faced a future

possibility of not having receiving school options for middle grades. Next year there will not be any choice options to students because we do not have any schools that made AYP at the middle school level. With neighboring districts in the same shape, they are not in any position to help us through an agreement for choice. With no receiving schools available, each Title I middle school student in Greenville County will eventually have to be offered supplemental services. This is an issue more tied to AYP, which is a topic obviously not for today.

Supplemental services. Last year in the first year of offering supplemental services notices were mailed to parents of the approximate 1600 students in those four schools. Participation by parents selecting supplemental services were minimal at best. Although a core group initially responded, only four student continued in the program from its inception until the end of the school year.

Mr. DEMINT. Dr. Harner, I need to ask you to wrap up in just a few seconds and we will get back to you. We are over 6 minutes.

Dr. HARNER. OK, sir. Thank you, sir.

Notice to parents. We believe we have gone more than the spirit and the intent of the No Child Left Behind Act. Our communications is in writing. It is through the media, through advertisements.

I guess I will just close it there. We have already submitted our statement. Thank you, sir.

[The prepared statement of Dr. Harner follows:]

Statement of Dr. William E. Harner, Superintendent, Greenville County Schools

- Good Morning. I'm Dr. William Harner, Superintendent of Greenville County Schools. It's good to see you, Congressman DeMint. Congressman Carter, welcome to Greenville. And welcome, both of you, to Brushy Creek Elementary.
- This morning you've asked me to talk to you about the Choice and Supplemental Services components of No Child Left Behind and how those provisions of the Act are playing out in Greenville County Schools.

CHOICE

- Background . . .
  - Last year—the first year we were required to offer choice, we had 4 schools—2 elementary and 2 middle—(Hollis, Monaview, Lakeview, Parker) required to offer choice.
  - Of about 1,600 students eligible to transfer from these 4 schools, approximately 140 exercised their option and went to other schools in the district.
  - This year, we have 8 schools offering choice—the four from last year, plus 3 more elementary and 1 more middle (Cone/San Souci, E. North Street, Sirrine, Tanglewood).
  - Of about 3,000 students eligible for choice this year, 228 have opted to attend another school.
- Transportation . . .
  - To transport these students last year, we spent approximately $30,000. This year, those costs are estimated to be more than $80,000. That is for 4 bus leases.
    - We've requested permission from the State Department of Education to purchase a limited number of buses to be used specifically for choice transportation, but federal regulations have prevented us from doing so.
    - This is important to us . . . a child exercising his legal right to choose another school should not be forced to spend hours on a bus going to and from school each day. Clearly this is not in a child's best interest and does not fulfill the academic purpose of NCLB.
- Receiving schools . . .

- About the schools receiving choice students . . . Additional resources for choice students, such as class size reduction efforts or supplemental support materials, cannot be funded through Title I for non–Title I schools receiving transferring choice students. Yet, the receiving schools are the ones facing the challenge of helping transferring students to achieve better.
  - NCLB provides no resources to assist former Title I students who elect to transfer to non–Title I schools.
  - Flexibility of Title I funding does not address this issue.
  - One thing we'd like to see done which would help these receiving schools would be to allow Title I funds to follow teachers excessed from Title I schools.
- This year, none of our middle schools met AYP, even though many of them have earned state and national academic distinctions.
  - As a consequence of this, we face the future possibility of not having receiving school options for middle grades.
  - With neighboring districts in the same shape, they're not in any position to help us out through an agreement for choice.
  - With no receiving school available, will each middle school student in Greenville County have to be offered supplemental services?
    - This is an issue more tied to AYP . . . which is a topic for another day. But it is something that must be addressed.

SUPPLEMENTAL SERVICES

- Last year, in the first year of offering supplemental services, notices were mailed to parents of approximately 1,600 eligible students (Hollis, Monaview, and Parker).
- Participation by parents selecting supplemental services was minimal, at best.
  - Although a core group initially responded, only 4 students continued in the program from its inception to the end of the school year.
  - We believe this low participation was due to several factors, including:
    - The newness of NCLB and late start in the school year;
    - The fact that our schools already offer many programs through the state Education Accountability Act, Title I, fee-based and local community partnerships;
    - The fact that except for fee-based programs, all are provide free to the parents; and
    - The fact that after school programs are convenient. Parents do not have to provide transportation (but they do for supplemental services). "After school" programs are just that—after school. Supplemental services often occur in the late afternoon or early evening.
  - Last year, providers included Sylvan, Communities in Schools, City of Greenville Recreation Department and Cyber Study 101.
    - Of these providers, this year, only Sylvan reapplied to be a provider.
    - Greenville County Schools is also an approved provider this year. Others include the Learning Academy of Fountain Inn and Sylvan.
    - Out-of-state providers dropped out because of lack of local company contacts or because of facility needs.

NOTICE TO PARENTS

- The title of your presentation asks: Are states and school districts giving parents the information they need?
- I believe Greenville County Schools is giving far more than they need; in fact, I don't believe there is anything more we can do to notify parents of their right to choice or supplemental services.

- Last year, we mailed approximately 1,600 notices of supplemental services to parents of 3 schools required to offer the services.
  - Additionally, the district advertised the availability of supplemental services in the newspaper, on the Internet, and on the school district's cable TV channel.
  - Principals also advertised the availability of services.
  - On 4 different dates in March and April, meetings were held at the district's central office and at schools with parents, school personnel and providers. (Late start last year due to it being the first year NCLB required supplemental services. The district took action as information was shared with it.)
- This year, just a couple of weeks ago, approximately 1,600 notices went out. (Schools: Hollis, Monaview, Parker, + Lakeview)
  - Official notice packets were mailed in English and Spanish.
  - Principals are also using Phone Master, flyers and marquee announcements to inform the public.
  - Last week, we had a paid public notice in the Greenville News listing all the locations and times of meetings.
  - Announcements are on the web and district TV again this year.
  - We've already had 4 Title I parent and provider meetings: two on October 13th and two on the 16th.
  - We have one scheduled for tomorrow evening (Hollis), and one for next Tuesday (Parker).
  - At these meetings, providers of supplemental services are available to explain their methods of delivering services.
- Are we giving parents enough information?
  - I want to share with you our experience at one school offering supplemental services. (Lakeview)
    - At a meeting on supplemental services scheduled for October 13th, 1 parent showed up. At a 2nd meeting later that evening, 5 were there.
    - Because the school had received phone calls inquiring about the notification letter, however, a 3rd meeting was planned.
    - This meeting will be at the school's PTA dinner meeting tomorrow night.
  - Are we doing enough?
    - We will hold as many meetings as needed at each school to inform parents and address their concerns.
    - Our philosophy is to go beyond the law's requirements to inform parents.
    - However, supplemental services is not a new concept to Greenville County Schools: for some time, we have had in place many programs that offer services for students as well as parents.
    - We're giving everything a parent needs to consider in order to determine what is best for their child. And many of those parents are determining that the school their child is in—the very one that has not met AYP and thus, been labeled "failing" by the media—is the one that has the most resources—financial and people—to help their child achieve his or her best.
- Our biggest issue: the late notice school districts receive from the state on which schools are required to offer choice and supplemental services.

DO I BELIEVE NO CHILD LEFT BEHIND IS WORKING?

- Greenville County Schools is committed to the academic excellence and overall well being of every child.
- And to the extent that No Child Left Behind helps us to achieve these goals, we applaud No Child Left Behind.
- We have a lot of concerns about tomorrow . . . where we'll be as the requirements continue to ratchet up. But we will continue to do all that we can with what we have—trying to be creative in order to get the most bang for our buck—to meet those goals.

Mr. DEMINT. OK. We will get back to you.

Now, I would like to move to Mr. Waggoner. Mr. Waggoner is the father of six children. His youngest daughter, Jessica, is a sixth grade student in her second year of experience public school choice. Mr. Waggoner is a retired technology sergeant from the United States Air Force and has recently returned to school to further his skills in computer networking and technology.

Mr. Waggoner.

STATEMENT OF GEORGE WAGGONER, PARENT, RETIRED TECH SERGEANT, U.S. AIR FORCE

Mr. WAGGONER. Well first, I would like to say it is just an honor to be here among all of these great minds and just to see the effort from the Federal level down to the state and the county. It is wonderful.

Last year Jessica had a choice to change from Hollis Elementary to Armstrong Elementary. That change was great for Jessie. We enjoyed it and she enjoyed it. Mrs. Baker was her teacher and really knows her stuff, just phenomenal.

This year Jessica would have gone to Parker Middle, but we did have a choice of Riverside or Northwood Middle. My wife Linda and I went to both schools to see how they looked. The day we received the notification, as a matter of fact, our daughter was out of town that weekend. Then when she got back, we took Jessie to both schools and we even had a tag-along, Channel 7 was with us. So we had a little notoriety also.

This year we did want Jessica to have a say as far as which school. Last year we thought she was so young that we made the decision for her. So because she is 11 years old and going into sixth grade, we thought that would be good.

All three of us, my wife, I and her picked Northwood Middle. It seemed to be, first, the closest. Also, it just seemed to be the—I will put it this way, the friendliest as far as the teachers, staff and all of those. She takes a bus to school. One of the things that we had a concern about was how long the bus ride would be. When they have to get up at four or five in the morning to catch a bus at six to get to school it starts getting to be a pretty long day. Not to slam the school district too much, but the first 2 weeks she got home at 7 p.m. The first day I had to even threaten to call the sheriff because I did not know where my daughter was.

The first week, we took her to school four out of the 5 days. The bus somehow missed us. They did get another bus from Columbia and now she gets home before five o'clock. So that was a concern. It is much better now.

One of the interesting things about all of this was Cindy Landrum, I received a call from her. She works for the Greenville News. This was 2 years ago. And she wanted to know what my wife and I thought about the possibility of our daughter going from Hollis to a different elementary school. We had not hear anything about it. Finally we got a notification a couple of weeks later. One of the things that seems to be a problem still is the way the school district does the addresses. We do not get all of the correspondence. We missed both open house greetings. We got to go to the open houses, but it was because of Cindy, not because of the letters that we did not get. We are not really sure why that happens. I have got here that it might be the Jutson Mill after our 4th Avenue, since there are about four 4th Avenues in Greenville. Somehow they cannot find us all the time.

I put we want every parent—or we want what every parent wants for their children, good schools with great teachers. Most of the schools out there are that. A little footnote. I think a lot of the

time that the school does not get rated as well, it has to do with a language barrier problem more so than any learning disability. So that is something that they probably need to contend with all the way up to the Federal Government area.

I would like to see 20 students or less per class. I think all of us would as parents. With the budget cuts, again, I know that is really tough. So I just have to say that I think our school districts are doing phenomenal for what they are working with.

I put that I think this program is working and to hold the schools and teachers and the students accountable is incredible and wonderful and needs to happen.

I would like Jessie to attend college and feel good about her education and herself. She has asked why South Carolina is almost last in the Nation with test scores. She seen that on TV and said what does that mean for me? What will that do down the road?

If I have time, it says, as a side note, my mother is dying from lung cancer, she lives in California. I would like to go out there and be with her for her last final days. I do not know how long that will be. My wife would like to come along so we could still be part of a family. We do not feel that we could transfer our daughter, Jessica, out there for any length of time because she would have to drop back either one or two grades, because of the school system differences. That would be nice to have rectified. So if it happens, I will have to go live out in California probably for 6 months without my family being there.

But this is to say that Jessica does get better choices in the school she attends. And I said, could we have the information sooner? I certainly hope so. Can the school district get my address correct? I do not know. It would be nice. The neat thing is, the test scores are going up every year. So thank you.

[The prepared statement of Mr. Waggoner follows:]

Statement of George L. Waggoner, Parent, Greenville, South Carolina

Last year Jessica had the choice to change from Hollis Elementary to Armstrong Elementary School. That change was great for Jessie. Mrs. Baker was her teacher and really knows her stuff.

This year Jessica would have gone to Parker Middle School, but we had a choice of Riverside or Northwood Middle. My wife Linda and I went to both new schools to see how far away and how they looked. We received the notice on a Saturday and our daughter was out of town. We then went with Jessica to both schools and talked to teachers and had a tour of each school. We wanted Jessie to have a say this year, as she is now 11 years old and going into sixth grade.

We picked Northwood Middle School as the best and closest school. Jessie takes the bus and the first two weeks she got home about 7 pm and they missed picking her and another girl up 4 out of 5 days the first week in the morning. They got another bus from Columbia and now she gets home about 5 pm or sooner.

I received a call from Cindy Landrum who works for the "Greenville News" and had a list of children who were getting a chance to change schools, and wanted to know what Linda and I thought about that. That was about one week before we received any notification from the school district last year and again this year. She also told us about the open house that we never got any news about. When we talked to Mrs. Goggins, the Armstrong Elementary School principal at the open house she said our notice came back to the school. That is when we found out the school district will not use our correct address, and sometimes we don't get what they send out. Something about the "Judson" after 4th Ave. Greenville has 4 4th Ave. so it can be a problem for the mail.

We want what every parent wants for there children!! Good schools with great teachers. About 20 students or less per class would be great. And enough resources

to help during the rough times. Jessie needed help in math and got tutored twice a week for a while with Furman students and Mrs. Baker.

I think the program is working, to hold schools and teachers and students accountable!!!

We would love for Jessie to attend college and to feel good about her education and herself. She has asked why South Carolina is almost last in the nation with the test scores, and what that will do to her down the road.

As a side note, my mother is dying from lung cancer and lives in California. I want to be with her in her final days. My wife would come along too, but we know if we transferred Jessica out there, she would be placed in 4th or 5th grade. The schools are "advanced" there. I will go live in California, and the rest of the family will stay here!!!

All this is to say we are very excited that Jessica does get better choices in which school she attends. Could we have the information sooner? I would hope so! Can the school district get my address correct? Maybe! I think they are doing a good job. The test scores are going up each year.

Thank you.

Mr. DEMINT. Mr. Waggoner, thank you so much for your testimony.

Now we will move to Dr. Dana Jeffrey. Dr. Jeffrey is the Vice President of Sales at Lightspan, a supplemental service provider approved by the state of South Carolina. Previously Dr. Jeffrey was the Executive Director of the Human Resource Services and Organizational Development for Adams County School District 50, a major urban/suburban school district in Colorado. Dr. Jeffrey has over 23 years of experience in the education field as a teacher, district curriculum and public relations coordinator and district administrator.

Again, I remind our witnesses to try to keep it to around 5 minutes. So, Dr. Jeffrey.

STATEMENT OF DANA JEFFREY, VICE PRESIDENT OF STRATEGIC SALES, LIGHTSPAN

Dr. JEFFREY. Congressman DeMint, Congressman Carter, thank you very much for the opportunity to testify on this important subject today.

My name is Dana Marie Jeffrey and I am here today as a representative of Lightspan, Inc., an approved supplemental educational services provider for South Carolina and 23 other states as of this date. We are pleased to have the opportunity to work with schools throughout the United States in providing a comprehensive program for supplemental educational services. Our model includes tutorial services and program management using the same curriculum and instructional resources provided to more than 4700 elementary schools using Lightspan content in the classroom and in students' homes to support student achievement.

In the same way we provide professional development and training to teachers and paraprofessionals during the regular school day we also provide the exact same to private tutors, faith-based organizations and school districts using our content to deliver supplemental educational services. When we decided to enter this sector, we purposefully implemented a service delivery model that would embrace community-based organizations engaged in meeting the needs of eligible students as part of this important initiative.

As a service provider we are dependent upon cooperation from the local education agency to utilize school-owned facilities since we

do not have available to us across the Nation storefront facilities to which parents can bring their children for tutoring. And even if we did, the local school is generally the most convenient for parents as well, thus becoming an important consideration in our serve delivery model.

Over the 10 years of our existence, Lightspan has a tradition of extensive parent communication and training associated with our program delivery. Lightspan has worked with parents since our founding. Thus, it was a natural for us to become a provider of supplemental educational services. With each program delivery we work closely with the school district and local school staff to ensure that the program supports local learning priorities of the regular school-day program and that the delivery of services will be provided according to a schedule that will most effectively utilize school resources and facilities.

We also provide local education agencies with communications that explain Lightspan's program for parent review in selecting providers. And, in fact, we have even assisted local school districts in developing communication pieces to promote the availability of supplemental educational services.

In addition, Lightspan continually strives to involve partners in the delivery of services at the local school site or in locations such as after-school centers, churches or other approved locations. These alternatives ensure the opportunity to offer quality programming as close to home as possible, making it possible for parents without reliable transportation to be able to again gain access to the tutoring program. As an experienced educational services provider, we recognize the importance of not only providing engaging learning activities that are individualized to meet the needs of each child, but also providing services that extend the learning day in the most convenient way possible.

Lightspan's supplemental educational services programs are research-based, one of the major requirements of the legislation. We have more than 1000 school-based case studies, including a series of scientifically based longitudinal studies conducted by independent evaluators demonstrating Lightspan's success in providing programs that support increased student achievement.

Finally, we hire qualified tutors locally for each program, ensuring that all tutors are experienced educators. Again, this is an important requirement of the legislation.

As noted earlier, Lightspan has been approved in 24 states, including the District of Columbia, as of this date for supplemental educational services. We have yet to be approved in the remaining states, although we have applications currently under review for approval in six additional states. While for the most part we have been satisfied with the approval process in the states, I must note with a certain amount of puzzlement that requirements for approval are inconsistent from state to state—despite the fact that most states utilize a common application as the basis for their state-specific application, and Lightspan answers to the same questions on each application.

Local decisionmaking is an important consideration for all providers in designing and delivering services. Lightspan does not have a one-size-fits-all model. For example, we are currently work-

ing with at least five to seven districts in the state of South Carolina alone to identify and define possible implementations to meet local needs. We have designed our programs and services to meet the rigorous review of each state in the nation, and having been approved in 24 states, we would argue that we are a proven model and should be approved in the remaining 26.

We are pleased to be offering programs and services in the supplemental educational services arena, as yet another way in which Lightspan may work with local school districts to meet the needs of underachieving students. Intensive tutorial support designed to provide supplemental services support for each student, coupled with proven instructional tools and training for the classroom teacher provides the most effective investment in quality schools.

[The prepared statement of Dr. Jeffrey follows:]

Testimony of Dana Marie Jeffrey, Ph.D., Vice President, Strategic Sales, Lightspan, Inc.

Congressman DeMint and Congressman Carter:

Thank you very much for the opportunity to testify on this important subject today. My name is Dana Marie Jeffrey and I am here today as a representative of Lightspan, Inc., an approved Supplemental Educational Services provider for South Carolina and 23 other states as of this date.

We are pleased to have the opportunity to work with schools throughout the United States in providing a comprehensive program for Supplemental Educational Services. Our model includes tutorial services and program management using the same curriculum and instructional resources provided to the more than 4,700 elementary schools using Lightspan content in the classroom and in students" homes to support teachers" delivery of educational services. In the same way we provide professional development and training to teachers and paraprofessionals during the regular school day, we also provide the exact same to private tutors, faith-based organizations, and school districts using our content to deliver Supplemental Educational Services. When we decided to enter this sector, we purposefully implemented a service delivery model that would embrace community-based organizations engaged in meeting the needs of eligible students as part of this important initiative.

As a service provider, we are dependent upon cooperation from the local education agency to utilize school-owned facilities since we do not have available to us across the nation storefront facilities to which parents can bring their children for tutoring. And, even if we did, the local school is generally the most convenient for parents as well, thus becoming an important consideration in our service delivery design. Over the 10 years of our existence, Lightspan has a tradition of extensive parent communication and training associated with our program delivery. Lightspan has worked with parents since our founding. Thus, it was a natural for us to become a provider of Supplemental Educational Services. With each program delivery, we work closely with the school district and local school staff to ensure that the program supports local learning priorities of the regular school program and that the delivery of services will be provided according to a schedule that will most effectively utilize school facilities. We also provide local education agencies with communications that explain Lightspan's program for parent review in selecting providers. And, in fact, we have even assisted local school districts in developing communications pieces to promote the availability of Supplemental Educational Services.

In addition, Lightspan continually strives to involve partners in the delivery of services at the local school site or in locations such as afterschool centers, churches, or other approved locations. These alternatives ensure the opportunity to offer quality programming as close to home as possible making it possible for parents without reliable transportation to be able to gain access to the tutoring program. As an experienced educational services provider, we recognize the importance of not only providing engaging learning activities that are individualized to meet the needs of each child, but also providing services that extend the learning day in the most convenient way possible to ensure that students—and parents—take advantage of extended opportunities for learning.

Lightspan's Supplemental Educational Services programs are research-based, one of the major requirements of the legislation. We have more than 1,000 school-based case studies, including a series of scientifically-based longitudinal studies conducted

by independent evaluators, demonstrating Lightspan's success in providing programs that support increased student achievement, another important requirement of the legislation incorporated in state applications. Finally, we hire qualified tutors locally for each program, ensuring that all tutors are experienced educators. Again, this is an important requirement of the legislation designed to ensure quality program delivery.

As noted earlier, Lightspan has been approved in 24 states, including the District of Columbia, as of this date for Supplemental Educational Services. We have yet to be approved in the remaining states although we have applications currently under review for approval in six states. While for the most part we have been satisified with the approval process in the states, I must note with a certain amount of puzzlement that requirements for approval are inconsistent from state to state, despite the fact that most states utilize a common application form as the basis for their state-specific application and Lightspan answers to the same questions do not vary from state-to-state.

Local decision making, both at the state level and the school district level, regarding Supplemental Educational Services is an important consideration for all providers in designing and delivering services. Lightspan does not have a "one size fits all" model. For example, we are currently working with at least five to seven districts in the state of South Carolina alone to identify and define possible implementations to meet local needs. We have designed our programs and services to meet the rigorous review of each state in the nation. Having been approved in 24 states, we would argue we are a proven model that should be made available to the students in the remaining 26 states and territories. Our interest is in working to meet the needs of eligible students in the most comprehensive manner possible.

We are pleased to be offering programs and services in the Supplemental Educational Services arena as yet another way in which Lightspan may work with school districts to meet the needs of underperforming students. As the most frequently used technology-based Comprehensive School Reform model in the nation, Lightspan is an experienced partner in supporting school improvement. When we depart a district after having fulfilled a Supplemental Educational Services contract, our tutors leave but our proven, standards-based reading, language arts, and mathematics curriculum remains behind as the property of the local education agency thus providing an important technology resource for continued use in district classroom and by the children and families in their homes. Our training models are designed to support the classroom teacher in not only providing resources for extended learning in the classroom but also extending learning to the home. The flexibility of the Lightspan program not only enhances afterschool learning programs for students, but also provides important instructional tools for teachers for long-term classroom use. Intensive tutorial support designed to provide supplemental services support for the student, coupled with proven instructional tools and training for the classroom teacher, provides the most effective investment in quality schools.

Mr. DEMINT. Thank you, Dr. Jeffrey.

Let us begin with some questions. I will start back with Mrs. Rushing-Jones. You mentioned in your testimony the contractors—the test contractors' failure to provide timely assessment information, and that is something we have heard a lot, that the scores were not available to the district. The district could not notify the parents in time. Do you expect this to change? Is something being done to make sure that scores are available sooner so that parents can have that information sooner?

Mrs. RUSHING-JONES. There is always hope, but it does not seem that that is going to be likely the situation even next year. So we may again be faced with moving forward with preliminary school improvement identification and implementation accordingly.

Mr. DEMINT. So you do not expect parents to get the information until school starts basically?

Mrs. RUSHING-JONES. We send notice to parents based upon that preliminary school improvement identification status, and that was prior to our test results coming back, and that did allow us to notify the parents prior to the beginning of school, and parents were

able to know that their choice was going to be honored even if the school was not identified for school improvement in the final school improvement process.

Mr. DEMINT. There seems to be across the state a wide variation of how communication about supplemental services are actually communicated. Does your department actually meet face-to-face with parents? How does that work at the school district level? How many face-to-face meetings are there with parents about the available services, the transportation and those types of things?

Mrs. RUSHING-JONES. I can certainly say it has not been face-to-face, but I have been on the phone quite a bit and have been very willing and happy to talk with any of the parents with questions. There has been an interest, of course, and interest is continuing to increase from parents because they do want the best for their children, and we guide them through what choices they do have within each individual school district because each options of course are different.

Mr. DEMINT. Well how would a parent determine whether to call the school district or to call you about that? I mean is that something they—do they give up on the school district and call the state directly or do they start with you? How does that work?

Mrs. RUSHING-JONES. They start initially with the school district because the district is the one sending them the letter notice.

Mr. DEMINT. Right. Is your telephone number on that letter generally, do you know?

Mrs. RUSHING-JONES. It is not.

Mr. DEMINT. OK. So they have to kind of work to find out how to get in touch with you on that?

Mrs. RUSHING-JONES. My number is pretty well known.

Mr. DEMINT. OK.

Mrs. RUSHING-JONES. But you are right. It is a district component because it is communicated within each district.

Mr. DEMINT. OK. Did the—the test contractors, have they told you they cannot do it next year, but they can improve it the year after or is it a matter of when the state actually administers the test or when the different school districts administer the tests?

Ms. LINDSAY. I can answer that question.

Mrs. RUSHING-JONES. Is it appropriate that she answers the question?

Mr. DEMINT. If you do not mind submitting that just for the record, any clarification just in writing, that would be wonderful.

Dr. Harner, let me switch the questioning here. Over the last couple of years Title I funding in the Greenville County schools has increased almost $6 million, from $6.7 million in the 2001 year to about 12.5 million now. Yet, I think in your testimony the suggestion is there is really not enough Title I funding to make this choice and supplemental services work effectively. If you could just address that, because part of this whole No Child Left Behind came with large increases in funding to the state and local school districts, and we want to make sure it is getting to the right place and that it is really happening.

The second part of that question does go back to how Title I dollars move with the students, and you said again in your testimony that the Title I dollars do not go with the student. Yet my under-

standing is, unless the school does not qualify for Title I funds, and that would mean they have what, less than 10 students? How many schools could that apply to in effect? Let us just talk a little about Title I, the total increases and how the money moves around.

Dr. HARNER. Currently, sir, this past year we had about a 32 percent increase, which was one of the large—of the large districts in the country, I think we had the greatest increase this past year. So we are very grateful for that money. A lot of that money has to be kept in escrow for school choice, and we have about 2 million—a little bit over $2 million in escrow that we cannot spend, that we are given, but we cannot spend it until the end of the year because it is held in escrow because of the provisions of the regulation, which kind of does not make sense. It does not make a lot of sense.

The other thing is, you are looking for solutions, you are not looking for bandaids. We have IDEA and Title I, you should be looking at it hand and glove. In Greenville County we have over 10,500 students that are special-need students. About half of them are learning disabled. In other words, we did not get them early enough into the system, like in the 4-K program, which we are gradually getting fixed, and we have probably one of the best 4-K programs in the country, but it is all through special-revenue dollars provided by the state and state resources. But if we can get that flexibility in Title I into the 4-K area and do a lot of work—we tried that and—we did that last year, as a matter of fact, for funding for a program here of special-need students in this school.

Mr. DEMINT. You are combining IDEA and Title I, but I need to understand what we need to fix about the law.

Dr. HARNER. OK, what you need to fix about the—one is—in the current Title I provision is giving the superintendents the flexibility—boards the flexibility of having the money travel with the student to their receiving school. That has got to be a priority—a top priority.

Mr. DEMINT. I understand that that happens unless the receiving school just does not qualify.

Dr. HARNER. Correct. And I believe that like Riverside Middle, the population there is about 9 percent—nine percent poverty. So they were not even close to getting anything substantial from the state or from the Federal Government.

Mr. DEMINT. The Title I dollars can help with the transportation.

Dr. HARNER. That is all they provide for.

Mr. DEMINT. Right.

Dr. HARNER. They do not help for the remediation of the student, bringing that student up to where they need to be.

Mr. DEMINT. Do you know how many schools that you have that would qualify for the choice—the transfer that do not qualify for Title I?

Dr. HARNER. Oh, all of them—all of them. We have Armstrong, Brushy Creek, Lake Forest, Bethel, Oakview, all outstanding schools, and five—four of the five are excellent schools on the state report card. These are great schools and—

Mr. DEMINT. And they do not qualify for Title I funding?

Dr. HARNER. Correct, sir.

Mr. DEMINT. OK.

Dr. Jeffrey, just a quick question. South Carolina. I just need to get your impression of the cooperation that you are getting from school districts in our state as far as providing supplemental services, getting information out to parents. Again, it sounds like there is a lot of variation when supplemental services, or the choice programs came up in Charleston and hundreds of parents attended an information meeting and in Greenville only a few. I do not know if it is the difference in the—I cannot imagine that much difference in Charleston and Greenville on the issue, so there must be something about the information, the way we communicate, or generally how the school districts are cooperating with providers like yourself. What is your impression of South Carolina and how South Carolina as a state is working with providers for supplemental services?

Ms. JEFFREY. First of all, I think the state department in California has been exceptional in terms of communicating information to school districts about supplemental services.

Mr. DEMINT. That is California?

Dr. JEFFREY. Did I say California? I am sorry. We are based in California. The state of South Carolina, excuse me, has been exceptional. They have communicated exceedingly in terms of telling school districts about the availability of providers, etc. So looking at that on a national basis, I think South Carolina has been truly exceptional.

In terms of school districts it does vary from district to district in terms of how they communicate with parents and the communication we have, you know, coming from the school district to us. And I think a lot of it has to do with how it is being implemented in the local area. It has to do with the number of schools perhaps that qualify, the number of students that they are going to be serving, etc. So it varies from location to location, that is true.

Mr. DEMINT. Let me just jump back to Dr. Harner. One of the things I have heard, Dr. Harner, is—I guess Greenville as a larger school district, perhaps has more of the capabilities to offer some of these supplemental services internally. One of the things that we want to happen from this bill is for parents to have a lot of choices. Could you tell me what the, I guess perspective of the Greenville County School District is toward outside supplemental services and the cooperation with those services to make sure parents know about them, and how are we doing that? How are we making parents aware of the different services that might be available versus the services you might offer internally that are supplemental?

Dr. HARNER. Right now we are partners with Dr. Jeffrey's program. We have four of our schools right now, Parker Middle, Lakeview Middle, Hollis and Monaview that have students enrolled with their programs. Also with the Learning Academy, and then we have a lot of our own school—after-school programs that provide services. We also have the 21st Century grant, as you remember.

Mr. DEMINT. Right.

Dr. HARNER. You helped bring the resources to do that here and it is partnering with the communities and schools and the Urban League.

Mr. DEMINT. Excellent. I will yield to my colleague for some additional questions.

Mr. CARTER. Thank you, Mr. Chairman. I appreciate that.

Mrs. Rushing-Jones, you said something that from where I come from registers with me. The litigation issues you talked about and the providing of facilities to after-school for the supplemental learning. Expand upon that a little bit more. Tell me, are most of the schools not willing to provide onsite supplemental learning? Is that a problem in South Carolina?

Mrs. RUSHING-JONES. As I was sharing, last year we only had one instance where that was a problem and we were able to work with the provider to help them find a facility-owned site. This year we have not heard it to be an issue yet, except Greenville I recently learned and we may be just starting to face this issue. I think it is something we are probably going to have to work through with our application process a little better next year. It is not a requirement that a district allow the provider to be onsite according to the new guidance issued from the U.S. Department of Education. However, of course, we encourage them to partner with them, and the guidance does also allow for the district to charge rent on the space or on equipment.

Mr. CARTER. So that is not an issue then? You are allowing onsite—these folks to come onsite in most instances?

Mrs. RUSHING-JONES. Some districts are and some are not.

Mr. CARTER. All right. And are they—are you asking as part of their contract that they have liability insurance to cover the schools if they are onsite?

Mrs. RUSHING-JONES. That is correct.

Mr. CARTER. Is this individual school board rulings that say we are not going to allow our schools to be used after regular hours for any purposes? Is that what you are running into?

Mrs. RUSHING-JONES. As I said, this is a new situation for us, and at this point it does seem to be a board policy situation.

Mr. CARTER. You know, the targeted students that we are talking about here, they are generally going to have transportation problems. Would you agree with me on that?

Mrs. RUSHING-JONES. Correct.

Mr. CARTER. And so if you are going to make them go to somebody else's site after they leave school, they are going to really have a hard time getting there. Mom and dad are probably off doing something else and that means once again we are back to transportation problems for the school if they have to go offsite or they just do not go, right? Would you agree with that?

Mrs. RUSHING-JONES. That is true. And if we can assist those providers in finding a facility that is near the school, then I think that would be to their advantage.

Mr. CARTER. From where I have been for the last 20 years, I get a little irritated sometimes with litigation issues driving policy, but they do drive an awful lot of policy in this country. I believe you also said that with this 20 percent you cannot—it is hard to calculate how you will divide that up, because you first have to look at the transportation, is that right?

Mrs. RUSHING-JONES. That is correct, because both supplemental services and choice being within that 20 percent, you almost need

to know what is going to happen to the choice transportation first to find out how much is going to be available for the supplemental services.

Mr. CARTER. And that all relates back again to our test scores not coming in on time, so you really do not know to crunch your numbers early, right, otherwise you would know?

Mrs. RUSHING-JONES. It does make a difference. With our preliminary school improvement identification process it seemed to work well getting that notice out to parents and being able to move forward with parental notice prior to the beginning of school.

Mr. CARTER. OK. Well, thank you.

Mr. Harner, let me—Dr. Harner, let me ask you some questions.

Dr. HARNER. Yes, sir.

Mr. CARTER. Curiosity. You said that all of your middle schools or at least many of your middle schools had very—or your schools had very high pre-SAT scores or some type of testing scores, but did not do well on AYP, is that right?

Dr. HARNER. Yes, sir.

Mr. CARTER. What is the explanation for that? Is the AYP evaluation wrong?

Dr. HARNER. It is a very high standard, sir. You have—some of our schools probably had 28 subgroups, 21 was our district average for subgroups that had to make it, and if any one of the subgroups did not make it—it could be just one subgroup—the whole school does not make AYP. So you have the average—for example, Brushy Creek was 21 subgroups and they made it, all 21 subgroups. You go to Riverside Middle where a lot of these students—poverty is a subgroup, and we are transporting a lot of the students, say to Riverside Middle. Fifty students, new students this year, 55 to Northwood Middle, you have to have 40, I believe is the number, to have a subgroup, enough students in a subgroup to have that considered. So we have just moved the poverty line up a lot higher at those schools and they are going to have more subgroups to deal with than they might not have had at the higher end schools.

Mr. CARTER. So by the very process we are creating new subgroups?

Dr. HARNER. Yes, sir—in schools.

Mr. CARTER. In schools.

Dr. HARNER. By moving them from one part of the county to the other.

Mr. CARTER. What do you see as the solution to this problem, or do you have one?

Dr. HARNER. Well one—off of Congressman DeMint's question, the answer is flexibility—in the short-term flexibility of funding, so the Title I dollars can go to assist those students in the receiving schools so we can get that right.

Mr. CARTER. Clearly that is one of the things that—

Dr. HARNER. That is one of the major solutions.

Mr. CARTER. Mr. Waggoner, you have actually been through the process. First, how did you learn about it—about this choice for your child?

Mr. WAGGONER. Well, believe it or not, it was from a lady in the newspaper, Cindy Landrum, called—

Mr. CARTER. Called you up? That lady called you up?

Mr. WAGGONER. —and she said what do you think about the fact that you would get three choices for your daughter to go instead of Hollis Elementary.

Mr. CARTER. Well do you feel like that you should have gotten a quicker choice—quicker information on that from the school?

Mr. WAGGONER. Well, that would not have hurt at all, but I will preface that with we did have enough time.

Mr. CARTER. OK.

Mr. WAGGONER. So that was a—and one of the schools just jumped out at us and we went up and checked the school out and talked with the teachers, even Mrs. Coggins, the principal, wonderful. The academic level was outstanding and the school itself was beautiful. My daughter thrived there.

Mr. CARTER. Did you ever have to make any of these telephone calls either to the district or to the state about trying to get further information?

Mr. WAGGONER. No, we did not. Just like the open house, we found about it from Cindy, and when we went, Mrs. Coggins said, "Gee, your invitation or announcement came back to us in the mail." We said, OK. So we are not really sure what does get missed, but we are out of the loop in some of the things.

Mr. CARTER. Back when I was a kid, they used to send those home with the students, which is about the world's worst way to get information about PTA out.

Mr. WAGGONER. Yes.

[Laughter.]

Mr. CARTER. I do not think I ever delivered one in the entire history of my public school.

[Laughter.]

Mr. WAGGONER. We did ask that they might be able to give it to our daughter and thought better of that, too.

One other thing I did have in my statement that I did not enumerate on, if you want to call it that. It says, Jessie needed help in math. She did get tutoring twice a week for quite a while from some students at Furman and Mrs. Baker, her teacher. And one of the things, when you guys were bringing up transportation, the student does not have to go off campus in order to have a transportation problem. She stayed an extra half an hour in school she missed her bus. So twice a week we went up and got her regardless. It was not a far distance, it was not even a time crunch most of the time from—that I get out of class early enough or whatever. But that can be a problem and it might need to be addressed if the students are trying to take advantage of any of these extracurricular learning concepts.

Mr. CARTER. Well, you know, one of the key problems you have got in dealing with kids at all—you know, I raised four of them, more or less grown, and I have got one son who is a teacher and a coach. Definitely the teachers and the administrators have got more than they can say grace over to do at these schools. There is no doubt about that. And transportation, when you hold a kid after school, then how do you get them home when their mom and dad are both working is a problem for schools too, and I understand that. I would just encourage all of you to think outside the box and encourage us to think outside the box as to how we solve these

problems. Whether maybe this tutoring goes on as part of the ongoing classroom day. I know that there are schools that have done that, where the kids actually go off to resource classes as a portion of each day. I do not know whether that has been tried in this area or not, but that is something I will throw out for you.

Thank you. That is all I have, Mr. Chairman.

Mr. DEMINT. OK. I know this sounds like an inquisition, and I really do think that the school districts and the state department have responded well to a lot of changes in the last couple of years. I think as we see these changes, certainly there are administrative burdens. I am particularly proud of Dr. Harner. You and the school district have done a lot to facilitate this, and as you said before, I mean you were very choice minded well before No Child Left Behind and the state had really set the pace for testing and to try to get better information to parents. But as Mr. Carter just mentioned, the willingness to look at this program, make it better, create opportunities, it does seem that supplemental services could perhaps become part of the day. If you have got a child who has difficulty reading or difficulty with math, the willingness of school districts to—and schools to accommodate various services, whether they are provided by the district or not onsite seems to be a key element. I know apparently that is something that right now Greenville School District does not allow someone like Lightspan to operate within the facilities of the school. As a matter of fact, I understand, Dr. Jeffrey, that Lightspan has pulled out of Greenville County School District because of a lack of access to the facilities themselves. So it may not have been—word might not have gotten back to you.

Is this something, Dr. Harner, that we could help with from a legislative side? Is it a liability issue or is it just a—what is the reason that outside supplemental services are not allowed to operate inside the school?

Dr. HARNER. Congressman DeMint, I think you have asked the right questions and have gotten the answers from Mrs. Rushing-Jones about liability issues, and you have already stated that you understand that. Once we get through that hurdle, we will be able to bring in more opportunities to our students.

Mr. DEMINT. OK, that is good.

Let me ask each panelist if you have got a one or 2-minute statement, maybe something you did not get to say that you think is important for us to take back to Washington. Again, the intent of this is for us to continue to improve the legislation, the regulation and to try to identify best practices as well as problems as we go along so that we can be a partner at the Federal level with what is going on at the state and local level. So one or 2 minutes at most.

We will start with you, Mrs. Rushing-Jones.

Mrs. RUSHING-JONES. I would like to clarify one issue concerning Title I. Getting money from Washington and the concentration of funds, that is more tied, I think, to the district. So actually the lowest poverty percent that you can utilize for a school to be eligible is 35 percent poverty. So the schools that we need to address, if the funds are to be transferred to ineligible Title I schools will be 35 percent poverty and less. If you could look at that.

Mr. DEMINT. Good.

Mrs. RUSHING-JONES. Also, the set aside requirement, which I think Dr. Harner referred to as the escrow amount that the district has to hold back within that 20 percent for choice and supplemental services is a concern issue, because of the fact that they can not pull those monies out to use for funding additional schools or other services until possibly November. However, you can look at some other fund sources to generate that 20 percent amount. But with that money sitting there in reserve and not being able to be used for a period of time by a district, they also possibly are going to run into a problem with meeting that 15 percent carry over limit requirement within the Title I legislation. So that is a major concern for many of our districts. We would appreciate that being addressed.

Mr. DEMINT. An excellent point.

Dr. Harner.

Dr. HARNER. First off, thank you very much for coming and picking Greenville County schools, and here at Brushy Creek, for your Committee hearing.

A short answer to the question, the No Child Left Behind Act and the regulations are a moving target, sir, and they come out. And as they did last year, June a year ago, the beginning of June, and the reporter called because there's new legislation just announced, regulations, district, what are you going to do? Called some parents, and that is how the parents found out. Within 2 weeks or 3 weeks, we had notice out. So we had notice out to parents for June for the next fall, and then we refined it one more time in July. So we are there. I would say go the distance with No Child Left Behind Act, but listen to the educators and the parents that are out there that are in the process and they have to lead a process. Give the leadership, the superintendents, principals, the flexibility and decisionmaking and encourage them to go forward with that.

Thank you for being here today.

Mr. WAGGONER. I will just pass, and say thank you so much for the opportunity to be here.

Mr. DEMINT. Thank you. Dr. Jeffrey.

Dr. JEFFREY. I think two points. First of all, we are approved in 24 states and we just are looking forward to being approved in the remaining 26 states, 26 locations. It is a consistent approval process from state to state that I think we would like to see.

The second thing is, while Greenville—we are not offering it in the school—the school facilities, we are looking at providing it in alternative locations. We are looking at trying to build partnerships with local community-based organizations, faith-based organizations, etc. to be able to offer the services, the supplemental services. So we are a flexible model and look at all alternatives in terms of delivery.

Mr. DEMINT. Wonderful. Again, I want to thank all of our witnesses. I would like to recognize a couple of folks.

Oh, you would like to say something.

Mr. CARTER. I would just like to close out by saying thank you for such nice hospitality. And if there is any way this—you thought this felt like an inquisition, it certainly was not intended to be that

way. I personally—my personal view of education is that the folks on the ground have better knowledge of how this works. And so as you come up with fresh ideas, I would love to be able to stand up in Texas and say here is a plan they came up with in South Carolina to make these services reach the students better, and call it the South Carolina plan. So I encourage you to do that, to think outside the box, because at the local level is where, in my opinion, education is best served. So I encourage you to take this framework we have created, expand it and make it better. Then you have got great representatives that you can inform to help us fix it, if we need to fix it, in Washington.

I thank you for allowing me to be here, and thank you all for letting me be a part of this. Thank you, Mr. Chairman.

Mr. DEMINT. Thank you, Mr. Carter.

I would like to recognize two superintendents from Spartanburg, our neighbor, Dr. Darrell Owen and Dr. Jim Ray. If either one would like to submit any comments for the record, the record is open for 14 days, so we would love to hear anything. I am sure, as you sat here you wanted to say a lot of things that were not said.

Also, I would like to recognize Dr. David Church who has been a real champion of charter schools in the state. He has done a lot to move that choice provision around.

If there is no further business, this Subcommittee stands adjourned.

[Whereupon, at 11:52 a.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

Letter from Dr. Darryl Owings, Superintendent, Spartanburg County School District Six, Submitted for the Record

October 31, 2003

The Honorable Jim DeMint
U.S. House of Representatives
432 Cannon House Office Building
Washington, DC 20515

Dear Congressman DeMint:

This letter will serve as my written testimony to be included for the record for the House Subcommittee on Education Reform, which met at Brushy Creek Elementary School on October 20, 2003. I want to thank you for the opportunity to submit my testimony.

There are several flaws with the current No Child Left Behind (NCLB) legislation. It is my request that Congress take this matter very seriously and try to improve the No Child Left Behind legislation in a way that it will improve education and make a positive difference for children. I would like to point out several problems with the legislation that need to be addressed.

1. The proficiency level is not equal from state to state. For example, in some states (such as Arkansas), almost all schools and children met Adequate Yearly Progress, and in South Carolina and Florida, very few schools (13–17%) met Adequate Yearly Progress (AYP). In fact, out of 221 middle/junior high schools in South Carolina, not a single school met AYP that had a sub group that included students with disabilities. This is a travesty. It is not a fair assessment and it is not a true measure of education or learning. Frankly, the "all or none" concept of NCLB does not make common sense.
2. Students with disabilities should be allowed to take a test that the IEP committee deems appropriate. It is inconceivable that schools are testing students with severe disabilities with the same test. This is also happening to students that cannot speak English. Currently students are being forced to take a test in English even if they cannot read or speak

the language. They are forced to take the test due to meeting the percent tested requirement.

3. The federal No Child Left Behind legislation requires that 100% of the students be at the proficient level by 2014. It is estimated that no district in South Carolina will meet AYP this year with the percent of students at the proficient level at 17.6% for English Language Arts and 15.5% proficient for math. As you can see, if no district in our state can meet the 17% and 15% proficiency requirement, it could not be feasible that districts or schools can meet the 100% proficient requirement.

For a true measure of the educational opportunities for students, states should have substantially similar proficiency levels or all should take the same nationally normed test.

The problems pointed out have been presented to parent groups, the chamber of commerce and school boards, and the feeling is that this legislation is unfair and doesn't make common sense the way it is currently written. I know this was not the intent of Congress when they passed this legislation.

At the school and district level, we are left in a state of purgatory. Our South Carolina Department of Education tells us they are meeting the federal guidelines with their interpretation of No Child Left Behind. The United States Department of Education insists that it is up to the state to interpret No Child Left Behind, and they will not get involved at the state level. At the school level, we are left with no one to turn to for help, and frankly, we are caught in the middle of political bureaucracy. The federal Department of Education blames the State Department of Education and the State Department of Education blames the federal Department of Education.

The current No Child Left Behind act will have a detrimental economic impact on South Carolina. I do not believe a company would want to bring a business or corporation to a state when no school district out of eighty-six met Adequate Yearly Progress. It is not a true measure of our educational system.

We are constantly seeking ways for continuous improvement in our school district. We use local money to provide educational opportunities for students because it is right for children and it is our social and moral responsibility as educators. We are committed to leaving no child behind.

I commend your for your quest for good information from the education community. I know this is vital in order for you to make informed decisions. I also applaud your efforts to put children and their education first.

Please do not hesitate to call upon me for further clarification of any of these points. I would also make myself available to testify on the issue of No Child Left Behind at any time.

Thank you again for allowing me to submit this written testimony and I look forward to hearing from you in the future.

Sincerely,

Darryl Owings
Superintendent
Spartanburg County School District Six
Spartanburg, South Carolina

Statement of Charles J. Saylors, Representing the South Carolina PTA and the National PTA, Submitted for the Record

Good Morning. My name is Chuck Saylors and I am the president of the South Carolina PTA, which represents close to 150,000 members. I also sit on the Board of Directors of National PTA, the country's largest child advocacy organization, with over six million members. Parents are key stakeholders in the education debate, so I thank you for the opportunity to express PTA's perspective on the No Child Left Behind Act, with our particular comments on public school choice and supplemental services.

As you know, National PTA was an active participant in the reauthorization of the No Child Left Behind Act. We worked particularly hard to ensure parent involvement provisions were incorporated throughout the law and were pleased that for the first time ever, the law includes a definition of parent involvement, which was based on PTA's National Standards for Parent and Family Involvement Programs.

A December 2002 National PTA poll of citizens who voted in the 2002 midterm elections found that 61 percent of American citizens felt that federal spending for education must be increased to fulfill the commitments made in the No Child Left

Behind Act. Furthermore, 74 percent felt that the law would not be effective if Congress provided less funding than is authorized in the law.

We have continued to advocate for increased funding for public education. PTA members in South Carolina and around the country have been active participants in the "Five Cents Makes Sense for Education" campaign and have asked our representatives in Congress to double the federal investment in education. We have consistently advocated for public funds for public schools and have continued to oppose the diversion of public funds for private schools. National PTA has remained vocal in opposing vouchers in the District of Columbia and anywhere else publicly funded vouchers have been proposed.

While the full funding of the No Child Left Behind Act is a priority for both South Carolina PTA and National PTA members, the school choice provisions outlined in the law are also of specific concern. The No Child Left Behind Act requires that children who attend schools that have not made adequate yearly progress (AYP) for two consecutive years be offered the ability to transfer to another public school within the school district. Districts must designate at least two schools to which children from these schools can transfer.

The U.S. Department of Education has determined that student capacity cannot be a barrier to these students attending another public school, and that even if a school has reached its maximum capacity, students from schools that did not meet AYP may still attend. The Department of Education has said it expects school districts and states to do whatever is necessary, whether by building more schools or by hiring additional teachers, in order to create the capacity to accommodate every student who wants to attend a particular school.

This policy has provided great challenges for school districts throughout South Carolina. The regulations create a logistical nightmare for school districts, one that would be compounded by shifting student choices from year to year. In light of a lack of funding from the federal government, the Department's consistent opposition to federal assistance to states and school districts for school construction, and the worsening of state and local budget problems stemming from the prolonged economic downturn, school districts do not have the necessary funds to hire additional faculty members or to expand school buildings.

If schools are not provided with increased funding to hire new teachers to accommodate increased enrollment, then class size increases. Teachers are unable to provide students with the individual attention and the quality of education that they deserve. Schools are unable to purchase additional resources such as textbooks, computers, and other related materials that are necessary for providing every student with an outstanding education. In addition, even more funding must be found to transport students to their new schools, which provides an additional financial burden for the school district.

Parents with children in both rural and urban schools face unique challenges. For those in rural areas, the only option is to make schools the best possible learning environment with limited tools and resources. Public school choice is not an option. Rural schools already receive a disproportionately low level of federal funding. Tight school budgets are causing many rural school districts to consolidate with neighboring districts, leading to the closure of schools that often also serve as community centers and increasing the time children spend in transit to and from school. For those in urban areas, there is a possibility that all schools in the area are labeled failing and again there is no alternative for students.

Although public school choice claims to help the students who attend the failing schools, no actions are being taken to help these schools improve. Funding should be made available to ensure that each classroom has a highly qualified teacher who has the necessary resources to ensure that students are successful. We must not neglect the failing schools. Instead, we must turn the schools around and help them to succeed.

PTA also has concerns about the supplemental services provision of the No Child Left Behind Act. The law requires that Title I schools that fail to make AYP for three consecutive years must use their Title I funds to provide supplemental educational services, which means tutoring or other academic services provided in addition to instruction offered during the school day. These services can be provided by public, private, nonprofit, or for-profit entities, including religious institutions. National PTA believes that providers must demonstrate effectiveness, align their content with the school district's standards and curriculum, and comply with state, local, and federal health, safety, and civil rights laws. All providers should be qualified to instruct students in these subject areas. Furthermore, we believe the provision should promote school-based tutoring and supplemental services, with all funds focused on the most needy children first.

There is a recent cartoon that shows a teacher looking out onto a sea of students. The teacher asks the class, "What a minute When did our class size reach 3,704,552?" to which a student replies, "This was the only school that wasn't failing, so they transferred all of us here." Although this cartoon is a bit far-fetched, the theme is clear. If we continue to label schools "failing" and allow students to transfer to so-called "better" schools, class size will increase and students will not receive the attention and services they need and deserve. In order to improve schools, we must increase the federal investment in education. If we truly want to leave no child behind, then it is our duty to support them.

The No Child Left Behind Act was meant to reform all schools, for all children. Unless states and school districts receive a more balanced federal directive in line with the public school choice requirements in the statute, other equally important priorities, such as teacher training, after-school and summer school tutoring, and improved testing and assessment, will have to be severely compromised.

PTA members in South Carolina and across the country commit themselves every day to improving the education of not only our own kids, but of all children nationwide. The federal government must make that same commitment. Without adequate funding for our schools, many children, including our kids in South Carolina, will be left behind.

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