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NO CHILD LEFT BEHIND: IMPROVING ACADEMIC ACHIEVEMENT THROUGH FLEXIBILITY & ACCOUNTABILITY FOR SCHOOLS

FIELD HEARING

BEFORE THE

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

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

April 15, 2004 in Augusta, Georgia

Serial No. 108-50

Printed for the use of the Committee on Education and the Workforce

Available via the World Wide Web: http://www.access.gpo.gov/congress/house
or
Committee address: http://edworkforce.house.gov

U.S. GOVERNMENT PRINTING OFFICE

93-140 PDF WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
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NO CHILD LEFT BEHIND: IMPROVING ACADEMIC ACHIEVEMENT THROUGH FLEXIBILITY & ACCOUNTABILITY FOR SCHOOLS

Thursday, April 15, 2004
U.S. House of Representatives
Committee on Education and the Workforce
Washington, DC

The Committee met, pursuant to call, at 10:04 a.m., in the Augusta-Richmond County Public Library, 902 Greene Street, Augusta, Georgia, Hon. John A. Boehner (Chairman of the Committee) presiding.

Present: Representatives Boehner, Burns and Majette.

Chairman BOEHNER. A quorum being present, the Committee on Education and the Workforce will come to order. We are meeting today to hear testimony on No Child Left Behind: Improving Academic Achievement Through Flexibility and Accountability for Schools. I want to thank the Augusta-Richmond County Public Library for hosting this hearing today. I appreciate their hospitality and I am pleased to be here.

By the way I am John Boehner. I am a Member from Ohio and Chairman of the Committee on Education and the Workforce. I am eager to hear from our witnesses, but before we begin I need to ask unanimous consent for the hearing record to remain open for 14 days to allow member statements and other extraneous material referenced during today's hearing to be submitted for the official hearing record. Without objection, so ordered.

STATEMENT OF HON. JOHN A. BOEHNER, CHAIRMAN, COMMITTEE ON EDUCATION AND THE WORKFORCE

Let me just thank all of you for being here this morning for this field hearing, and let me thank Congressman Max Burns for hosting us here this morning and inviting us here.

We also want to thank Georgia Congresswomen Denise Majette for attending. Both Ms. Majette and Mr. Burns sit on our Committee, the Committee on Education and the Workforce, and have been very active—both have been very active dealing with the implementation of No Child Left Behind.

I am afraid today's hearing will not be quite as exciting as the back nine at the Masters on Sunday, but I am sure we will learn an awful lot in this hearing today. We are all here today because we believe that every child in America deserves a quality education

and we recognize improving our education system is essential, not only to our society but to our nation's economy and competitiveness as well. And if for no other reason, the fact that every child deserves a chance at the American dream and without a good education, their chance at the American dream is severely limited.

Three years ago, President Bush brought the members of our Committee together to write No Child Left Behind. We produced a law that is uniquely bipartisan and we all agreed with the need to provide states and local school districts with the additional flexibility they need to improve academic achievement for all of their students. No Child Left Behind requires student test data to be broken down by group and reported to the public. Achievement gaps between disadvantaged students and their peers, once hidden from public view, are now public knowledge. The law is shining a brilliant spotlight on the most neglected corners of our public education system. And while we have not always liked what we found staring back at us, I think we are better off as a nation because we have admitted that it is there and now we can do something about it.

No Child Left Behind was written to empower states and local districts with unprecedented levels of flexibility to make decisions at the state and local level to improve student academic achievement. All 50 states, Puerto Rico and the District of Columbia have designed accountability systems to guarantee state and local officials make the decisions to ensure that all students are learning. And it is important to note that the states, not the Federal Government, design and implement their own accountability systems. And these plans include state designed tests for reading and math, state academic standards, the starting point to measure progress, the amount of progress the student must make from year to year, and state plans for holding schools accountable for achieving those results.

Also, states, not the Federal Government, decide what constitutes a highly qualified current teacher. States design their own plans for ensuring that every classroom is taught by a highly qualified teacher. And under the law, every local district in America can now make spending decisions, up to 50 percent of its non-Title I Federal funding, without having to receive permission from the state or Federal officials. For example, Richmond County Schools could use up to 50 percent of its Federal school technology funds for improving teacher quality. And if local school officials believe this move will help them improve student achievement, they can move funds from one Federal pot to another.

In addition to this new flexibility, a set number of states and school districts can apply for additional flexibility under a new demonstration project created in No Child Left Behind. For states and local districts seeking the maximum level of flexibility for how they spend Federal dollars, I have encouraged them to explore these demonstration projects. Local education agencies participating in local flex can make local spending decisions with up to 100 percent of their non-Title I Federal funding, and there is still room for 79 local districts to participate in the local flex project.

States participating in the state flex program can consolidate state level funding for virtually all Federal programs including

Title I-A to meet state and local priorities. For example Florida, the only state currently participating in the program, can use its state level Federal Reading First funding to purchase new computers. Six more states can participate in this pilot project and we would encourage states to take a look at it.

No Child Left Behind also acknowledges that rural school districts face their own unique challenges for improving student achievement. Often rural districts and schools do not receive significant levels of Federal funding under certain programs to meet the needs of the program's intent— we allow them to take many, or almost all of their Federal funds and roll them into a very flexible package.

Finally, No Child Left Behind was designed to allow common sense regulatory adjustments during the implementation process. This has allowed the U.S. Department of Education to listen to state and local concerns and fine tune the implementation of No Child Left Behind without amending the law or issuing waivers to states that might undermine the law's lofty goals. And I want to commend the Secretary of Education Rod Paige and the U. S. Department of Education for diligently working with state and local education officials to offer additional flexibility for the assessment of students with disabilities, for students with limited English, and highly qualified teachers in the 95 percent participation rate.

I want to commend all of you again for attending today. I really want to thank our distinguished panel of witnesses for their participation and I look forward to your testimony.

At this time I would like to turn now and yield to the gentle lady from Georgia, Ms. Majette.

[The prepared statement of Chairman Boehner follows:]

Statement of Hon. John A. Boehner, Chairman, Committee on Education and the Workforce

Thank you all for being here this morning for this field hearing of the House Committee on Education & the Workforce. First, let me thank Congressman Max Burns for hosting us today. I'd also like to thank Congresswoman Denise Majette for attending. I'm afraid today's hearing might not be as exciting as the back nine of the Masters last Sunday, but we will try.

We're here today because we all believe every child in America deserves a quality education. We recognize improving our education system is essential not only to our society, but to our nation's economy and competitiveness as well.

Three years ago, President Bush brought the members of our committee together to write the No Child Left Behind Act. We produced a law that was uniquely bipartisan. We all agreed with the need to provide states and local school districts with the additional flexibility they need to improve academic achievement for all of their students.

For years, states and school districts—pointing to rising overall student test scores—had accepted an ever-increasing amount of federal funding even as they hid the fact that certain groups of children were falling behind. States and schools were able to highlight "aggregate" data showing most students were making progress. But because they were required only to report this data in the aggregate, parents and taxpayers could be kept in the dark when some children were actually losing ground.

No Child Left Behind requires student test data to be broken down by group and reported to the public. Achievement gaps between disadvantaged students and their peers, once hidden from public view, are now public knowledge. The law is shining a brilliant spotlight on the most neglected corners of our public education system—and while we haven't always liked what we've found staring back at us, we're better off as a nation because we've admitted it's there and can now do something about it.

No Child Left Behind was written to empower states and local school districts with an unprecedented level of flexibility to make decisions at the state and local level to improve student academic achievement.

In exchange for billions of dollars of federal education aid, all 50 states, Puerto Rico, and the District of Columbia have designed accountability systems to guarantee state and local officials make the decisions to ensure all students are learning. It's important to note that states—not the federal government—design and implement their own accountability systems. These plans include state-designed tests for reading and math, state-set academic standards, the starting point to measure progress, the amount of progress students must make from year to year, and state plans for holding schools accountable for achieving these goals.

Also, states—not the federal government—decide what constitutes a highly-qualified current teacher. States design their own plans for ensuring every classroom is taught by a highly qualified teacher.

Under the law, every local school district in America now can make spending decisions with up to fifty percent of its non–Title I federal funding—without having to receive permission first from state or federal officials. For example, Richmond County schools can use up to fifty percent of its federal school technology funds for improving teacher quality, if local school officials believe this move will help improve student achievement.

In addition to this new flexibility, a set number of states and school districts can apply for additional flexibility under new demonstration projects created in No Child Left Behind. For states and local school districts seeking the maximum level of flexibility for how they spend federal education dollars, I'd encourage them to explore these demonstration projects.

Local educational agencies participating in "Local–Flex" can make local spending decisions with up to one hundred percent of their non–Title I federal funding. There is still room for seventy-nine local school districts to participate in the "Local–Flex" program.

States participating in the "State–Flex" program can consolidate state-level funding for virtually all federal programs, including Title I aid, to meet state and local priorities. For example, Florida—the only state currently participating in the program—can use its state-level federal Reading First funding to purchase new computers. Six more states can participate in the program.

No Child Left Behind also acknowledges rural school districts face their own unique challenges for improving student achievement. Often, rural districts and schools do not receive significant levels of federal funding under certain programs to meet their needs or the programs' intent. Under the popular Rural Educational Achievement Program (REAP), participating rural school districts receive additional resources and are allowed to make local spending decisions with up to one hundred percent of their non–Title I federal funding.

Finally, No Child Left Behind was designed to allow common sense regulatory adjustments during the implementation process. This has allowed the U.S. Department of Education to listen to state and local concerns and fine tune the implementation of No Child Left Behind—without amending the law or issuing waivers to states that might undermine the law's lofty goals.

I commend Secretary Rod Paige and the U.S. Department of Education for diligently working with state and local education officials to offer additional flexibility for the assessment of students with disabilities and students learning English; highly-qualified teachers; and the ninety-five percent participation rate.

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

STATEMENT OF HON. DENISE MAJETTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Ms. MAJETTE. Thank you, Mr. Chairman, and thank you for bringing this discussion on this very important issue to my home state of Georgia today. And I really am pleased to join with you and my colleagues and Representative Burns to talk about the most important Federal effort in education that we have seen in many decades, the No Child Left Behind Act. This Act has generated much controversy here in Georgia as well as around the nation. The goals of the Act are sound. We must close the achievement gap and ensure that each and every one of our children is

able to learn. Education is the key to a better life. We do not want to deny any of our children the opportunity to learn and to better themselves and better our communities.

I was not in Congress when the No Child Left Behind Act was passed; however, I have been here for much of the progress on its implementation. I frankly have been extremely disappointed with the Bush administration's failure to fund this Act at the levels authorized by Congress. Without proper Federal funding, our school systems, our teachers, our principals, and administrators will not have sufficient resources to implement the Act.

Taking into account the President's 2005 budget, Congress and the Bush administration have short-changed No Child Left Behind by nearly $27 billion. The latest Bush budget leaves No Child Left Behind short by $9.4 billion alone. And I hope that we will hear testimony this morning regarding the impact, the direct impact, on that reduced funding that will be felt by the people here in Georgia.

I believe that a promise made should be a promise kept. The broken promise of not fully funding the program at the authorized levels affects the education of our children. And by doing so, it undermines the ability of our community and our nation to grow and prosper. I know that my colleagues here will undoubtedly have a different view of the resources available and how we need to fund our school systems. But in my district and as I talk to educators throughout the state of Georgia they agree that additional Federal funding is needed. Now I realize that in some cases there are funding sources that are available and that some of that funding is not directed to the places where it can be most effectively used. That is an issue that we will have to address.

But we do need more resources in order to be in compliance with the mandatory additional testing and the mandatory teacher quality enhancement and the requirements of the No Child Left Behind Act. Now these are important improvements to our education system, but making these improvements work will take resources, resources that the Federal Government acting in concert with the state and local government need to supply.

It is unreasonable and unfair to impose another financial burden on state and local governments, forcing them to raise taxes to comply with these Federal mandates while the Bush administration boasts of tax cuts—tax cuts that keep all of our children from being properly educated.

I do, however, think that we can agree that our schools, our teachers and principals do need additional information and technical assistance on how to implement the requirements of No Child Left Behind. And this is one area in which I believe the Bush administration could have done a better job. However, adjustments are being made and I hope that we will also hear testimony about the continuing analysis of how some of these adjustments can be made for the betterment of the implementation of the program.

The administration has only recently begun to issue new regulations and guidance that put in place the common sense flexibility that is required for the implementation of No Child Left Behind. But one of the problems that our schools are facing is that it has been too little too late.

To address that problem, 30 of my Democratic colleagues and I have asked the Secretary of Education to apply these new flexibilities retroactively, apply them to last year's test results. Many schools would not have been identified as non-performing schools had these regulations been in place last year.

Secretary Paige thus far has refused this request. I am hoping that Dr. Hickok can expand on the Secretary's thinking today, and indicate whether there might be a new opinion as to how the Department should proceed on this matter.

In closing, Mr. Chairman, again I want to thank you for conducting this very important hearing and being able to have the people of Georgia have the interaction that we have so often in Washington. Thank you.

Chairman BOEHNER. It is now my pleasure to introduce our host, the Congressman from Augusta and the surrounding areas, Congressman Max Burns.

Mr. BURNS. Thank you, Mr. Chairman. I welcome the Chairman and Congresswoman Majette to the 12th district. I appreciate the field hearing being placed here in Augusta. I appreciate the Committee's support for gaining input from Georgians and from those who have certainly a very keen and important interest in this issue here.

I want to thank the Chairman for coming and certainly Ms. Majette for taking time to attend and certainly the witnesses who are going to provide us with the input this morning. All of us know that No Child Left Behind was a critical piece of education legislation that is helping us close the achievement gap that exists between America and the rest of the world, and between disadvantaged students and their more affluent peers. Through the hard work of our states and local educational leaders, we will ensure that every child, regardless of race, economic background, disability, or geography, has access to a first class education.

Perhaps no other district in the Nation better exemplifies the diversity between school systems across America than the 12th District of Georgia. Georgia's 12th District includes affluent rapidly growing suburbs, low income urban areas, small towns, and rural school systems. I believe that No Child Left Behind is working in the 12th and I believe that it can succeed throughout our nation. No Child Left Behind reflects the four pillars of President Bush's education reform agenda that was implemented in the 107th Congress.

And like Congresswoman Majette, I was not a part of the legislation development, but I have been a part of its implementation. And the education reform had four pillars— accountability in testing, flexibility and local control, funding for what works, and then, expanded parental options. No Child Left Behind also requires testing, annual testings in both reading and math for grades three through eight; that parents receive report cards on the achievement goals of schools; that our teacher quality be improved and that we ensure that all students are taught by highly qualified teachers; that students and their parents can have choice in the public school system and receive supplemental services when they are in under-achieving environments.

I think it is important to point out that No Child Left Behind is not a one size fits all mandate. It allows states a tremendous amount of flexibility. Individual states are given the flexibility to determine a variety of factors including what factors make a student proficient, the starting point for measuring the progress of schools and students, and the amount of progress that must be made year to year. They also have the flexibility to develop their own tests to determine if existing teachers should be deemed highly qualified.

I am also particularly pleased that No Child Left Behind allows states and local districts the flexibility to shift the Federal dollars that had been earmarked for one specific purpose to use in more effective areas and effectively across state and local needs and priorities.

Unlike our previous law, states and districts can now take advantage of the flexibility without prior approval from the U.S. Department of Education. States have taken advantage of this flexibility with varying degrees of success. I am pleased to report that the State of Georgia is on the cutting edge when it comes to utilizing the flexibility of No Child Left Behind. This is one of the reasons why I am particularly pleased to welcome Georgia's State Superintendent Ms. Kathy Cox here today, and I am looking forward to her testimony as well as that from Dr. Gene Hickok at the U.S. Department of Education, and Dr. McDaniel from Floyd County.

Mr. Chairman, I thank you for bringing the Committee hearing to Augusta today, and I look forward to the testimony of our witnesses.

Chairman BOEHNER. Before I begin to introduce our witnesses, let me just say that when we designed No Child Left Behind and put it in place, we worked with state school chiefs all across the country. No one ever thought this was going to be easy, but I would suggest to all of you that the goals of No Child Left Behind are widely embraced—that every child deserves a chance and how we work our way through this goal will be the real challenge that all of us face.

Our witnesses today include Dr. Gene Hickok. Dr. Hickok is the Under Secretary of Education and the Acting Deputy Secretary at the U.S. Department of Education. Prior to his appointment, Dr. Hickok was Pennsylvania's Secretary of Education.

Secondly, we have the State Superintendent of Education here in the State of Georgia, Ms. Kathy Cox. She's the Chief Executive Officer of the Georgia Board of Education. Prior to being elected Superintendent, she was a representative in the Georgia State Legislature and worked as a social studies teacher for 15 years with the Fayette County Board of Education. Thank you for coming.

And then we have Dr. Jeffrey McDaniel. Dr McDaniel has a total of 17 years of teaching and educational leadership experience. He is currently the Director of School Improvement and Federal Programs for Floyd County Schools. Dr. McDaniel began his educational career in a K-12 school teaching elementary, middle, and high school math at Cedar Ridge Academy in Smyrna. He has also taught sixth grade at Oak Grove School in Cherokee County, Georgia.

We would like to give each of you 5 minutes or so, we are not going to be too tight on the time. We have your written testimony so you can summarize it. And then, we will have one or more rounds of questions from the members; and with that Dr. Hickok, you can begin.

STATEMENT OF DR. GENE HICKOK, UNDER SECRETARY OF EDUCATION, U.S. DEPARTMENT OF EDUCATION, WASHINGTON DC

Dr. HICKOK. Thank you, Mr. Chairman. It is not only a pleasure to be in Georgia, but it is a pleasure to share the panel with the Secretary here from Georgia, Kathy Cox, who I have great admiration for. And for Dr. McDaniel. With your permission I will just submit my testimony for the record.

I am lucky enough to have the job of overseeing the implementation of No Child Left Behind, and by saying I am lucky enough it is because I get a chance to travel across the country. Last night I came in from Minnesota to be here, to Georgia to learn what is going on. Part of my job is to find out how the implementation of this law—which I think all of us agree has tremendous potential to transform American education—how the implementation is going and what lessons we can learn from it. And as all of you have stated in your opening statements, one of our goals is to make sure that where we have to we can find the flexibility to make sure the intent of the legislation is fulfilled.

There are a lot of misperceptions out there, and I think many of them have been addressed by your opening statements, but I want to go over some of them again because I think it is terribly important, especially if we have an audience that is concerned about teaching and learning—teachers, principals, superintendents—because they deserve the right information. Because they are doing this important work, what I call the essential work of a democracy, educating the next generation of America.

Flexibility is not just the second principle of No Child Left Behind, in many ways it is the architectural heart of No Child Left Behind. The fact is that for the first time in the history of this country with regard to Federal education policy, every state has an accountability plan designed by that state to deal with how that state wants to pull together accountability that suits the needs of the teachers, the students, and the citizens of that state, and Georgia, as you have stated, is among the leaders in doing that.

These accountability plans reflect, in this case, Georgia's sense of what academic standards should look like and how a state should measure those standards. These are state decisions. It is the states that decide what proficiency means, it is the states that decide how to identify schools with regard to making or not making adequately yearly progress. It is the states that decide what to do with schools that continually fail to make adequately yearly progress with regard to turning those schools around. It is the states that decide almost every aspect of the essential accountability provisions of No Child Left Behind.

That is important. I have heard in my travels people talk about a Federal list of failing schools and I should point out immediately that there is no such term in the law as "failing schools." Federal

takeover of schools that are failing, obviously that is not the case. I have even heard it argued that once a school has been subject to years of not making adequate yearly progress they lose Federal dollars, and that is not the case. So one of my hopes is in our conversation today that we spend time trying to dispel some of these myths. Because I think the men and women who really spend their days trying to educate America's kids deserve the facts as much as possible. Because I think the facts are on their side.

With regard to flexibility, the fact is that we have made some changes in the way we recommend implementation of this law to reflect the real world challenges that implementation confronts. With special education, we have recognized that some of our most challenged students probably need to be made available to take alternative assessments, and that those assessments be part of the way you count kids for proficiency. We want to balance that with a disturbing trend in many places of not counting special education kids, because of the concern that they might bring down the average of the school.

We have looked at the challenge of students with limited proficiency and we have made some recommendations regarding accountability there to make sure that, one, the law is common sense oriented. But that those students are still part of an accountability system and every effort is made to get them proficient in English as soon as possible. With the highly qualified teacher provisions, we recognize that in many places where teachers teach a variety of different subjects because of where they are, middle school, or their location in a rural area, they need additional time working with the state to get highly qualified in the content area they are teaching.

And we recognize that in some areas the participation rate, which the statute sets at 95 percent, may be relatively unrealistic—certainly as states that have not been experiencing higher participation rates, for whatever reason, now have to get that participation rate up. And we put together recommendations and initiatives that deal with average participation rates over time to help.

To those who would argue, and we have seen this argument, that these policies reflect a watering down or back-tracking on No Child Left Behind, we would argue the exact opposite. They represent common sense attempts to help this law become a reality where the challenges are most severe.

We will continue to do that, but my real message today frankly is that it is taking place, it is happening. Now when the President came to office in 2001, only 11 states were compliant with the law that had been written in 1994. A little over a year ago all the states were compliant. And right now, every state, some with more progress than others, some with more enthusiasm than others, but every state is busy trying to make No Child Left Behind a reality in that state. And I think that speaks volumes about the dedication of people like Kathy Cox and her colleagues, more importantly about the men and women who teach in our schools, because I think they are taking seriously the challenge and the opportunity this law presents.

I look forward to our conversation. Thank you, Mr. Chairman.

Chairman BOEHNER. Ms. Cox.

[The prepared statement of Dr. Hickok follows:]

Statement of Eugene Hickok, Acting Deputy Secretary of Education, U.S. Department of Education, Washington, DC

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to testify today on the flexibility provisions in No Child Left Behind. No Child Left Behind provides a wide range of opportunities for States and school districts to tailor Federal programs to meet their unique needs and priorities. Administrators and educators at the State and local level know what is most important here in Richmond County. So while the goals and priorities set in No Child Left Behind are of critical importance, it is you at the State and local level that make it effective for your students, so that they can meet high standards.

This Administration, as reflected in No Child Left Behind, is committed to empowering States and districts as they set high standards of accountability for results, thus ensuring that along with increased accountability, there is increased flexibility. In addition, the President has empowered States and districts to hold children to high standards through significant increases in Federal resources. The president's budget proposes $57.3 billion in discretionary appropriations for the Department of Education in fiscal year 2005. This represents an increase of $1.7 billion, or 3 percent, over the 2004 level, and an increase of $15.1 billion, or 36 percent, since President Bush took office in 2001.

The flexibility in No Child Left Behind comes in a number of forms, but there are certain provisions that I would like to highlight in my testimony today. First, there is the flexibility we have recently provided to states in the implementation of No Child Left Behind to further expand on the freedom that States already have to develop their own State accountability systems based on State standards, and to deem teachers highly qualified based on State standards. Second, there are the groundbreaking new flexibility authorities in No Child Left Behind that give States and school districts unprecedented authority in deciding how they can use, transfer and consolidate Federal program dollars.

NEW GUIDANCE AND FLEXIBILITY UNDER NCLB

No Child Left Behind builds on earlier requirements in Federal law that required States to develop standards and assessments, and to hold schools accountable for making progress. In doing so, it also provides significant flexibility to States to develop a system that is truly based on their own priorities, as reflected in their State content standards. For example, No Child Left Behind asks States to set their annual goals. States determine what is "proficient" for their students. They can also use a host of statistical procedures to ensure that schools are appropriately identified as being in "school improvement."

I would like to commend Georgia for its strong accountability plan, and for its past history of holding schools accountable for meeting State standards. In addition, your State thought "outside of the box" when designing your new accountability system. As you know, instead of choosing one additional indicator, this State allows its districts to select from a menu of additional indicators that are used in elementary and middle school AYP decisions over a three-year period of time. This menu includes retention rate; achievement in writing, science, and social studies; and increases in the percentage of students scoring at advanced levels. Districts in Georgia have flexibility to focus on different issues, depending on the unique needs of students in their schools.

Since No Child Left Behind was signed into law, we have been working to provide the field with guidance and regulations as quickly as possible. We issued final Title I regulations in December 2002. More recently, in working with States implementing State accountability plans and visiting States to discuss teacher quality issues, we have learned about issues that confront State and local leaders; issues that we felt needed to be addressed.

Students with the Most Significant Cognitive Disabilities

Since 1997, States have been required to include all students with disabilities in their assessment systems. No Child Left Behind builds on that requirement to ensure that all students are part of the state accountability system. However, we also recognize that for a very small number of students with the most significant cognitive disabilities, reaching grade level standards may not be possible, even with the best instruction. On December 9 of last year, we issued a regulation addressing the inclusion of students with the most significant cognitive disabilities in State accountability and assessment systems. Based on comments from the field on the pro-

posed regulation, this rule clarifies that when measuring AYP, States, school districts, and schools may count the "proficient" scores of students with the most significant cognitive disabilities who take assessments based on alternate achievement standards.

As many as 1 percent of all students in the grades tested (about 9 percent of students with disabilities) may have their scores counted as "proficient" based on alternate achievement standards. States and school districts may apply for a higher limit if they demonstrate that they have a larger population of students with significant cognitive disabilities.

Without this flexibility, those students would have to be measured against grade-level standards and considered "not proficient." This new provision protects students, parents and teachers while providing flexibility to States, districts and schools to receive credit for the progress these students have made.

Limited English Proficient Students

Limited English proficient (LEP) students new to the United States often have a difficult time participating in state assessments due to language barriers or the lack of schooling prior to arriving in the United States from their native countries. Thus, it is often difficult to assess LEP students' content knowledge in reading and other language arts in their first year of enrollment in a U.S. public school. A number of states have students representing more than 100 languages, making it virtually impossible to provide native language assessments for all students.

A second issue concerns the definition of the limited English proficient subgroup itself. The LEP subgroup's membership can change from year to year, as students who have acquired English language proficiency exit the subgroup and recently arrived students enter it. Since LEP students exit the subgroup once they attain English language proficiency, States may have difficulty demonstrating improvements on state assessments for this student subgroup.

In order to address these issues, on February 20, the Secretary announced two areas in which States would have flexibility in the assessment of and accountability for LEP students:

. LEP students, during their first year of enrollment in U.S. schools, have the option of taking the reading/language arts content assessment in addition to taking the English language proficiency assessment. These students must also take the mathematics assessment, with accommodations as appropriate. States may, but will not be required to, include results from the mathematics and, if given, the reading/language arts content assessments in their AYP—calculations part of the accountability requirements under NCLB. Students will be counted as participants for AYP purposes for the 95 percent testing requirement, which ensures that all children count and receive the quality education they deserve.

. For AYP calculations, States may include in the LEP subgroup students who have attained English proficiency for up to two years. The concept of including students who have exited the LEP subgroup for up to two years is consistent with Title III of the law, which requires Title III-funded schools to include in their evaluations for two years academic achievement data of students who used to be in the LEP group but who no longer receive Title III services.

This flexibility provides teachers and students more time for English language instruction and acquisition. It gives States the flexibility to ensure that AYP calculations credit schools and districts for improving English language proficiency from year to year. The option to consider students to be LEP for two years after they exit the category provides an incentive for states to help students attain full proficiency in both the English language and in the academic content areas of reading/language arts and mathematics. It also serves as a response to the complaint that schools do not receive credit for the good work they have done helping LEP students attain full proficiency.

We are in the process of issuing a proposed regulation and will take comments on these policies and issue a final regulation later this year. However, this policy is in effect for the current school year.

Highly Qualified Teachers

In order to help States and school districts meet these and other challenges in complying with the highly qualified teacher requirements of No Child Left Behind, on March 15, the Secretary issued new guidance that both clarified existing flexibility and provided additional flexibility to meet these requirements.

One key change affects the nearly 5,000 districts that are defined as small and rural under Title VI of the Elementary and Secondary Education Act. Such districts are allowed to employ middle or secondary school teachers provisionally to teach multiple subjects even if they do not meet all the criteria for a highly qualified

teacher in each of the subjects they teach. Districts are eligible for this flexibility so long as they are providing intensive supervision and professional development that will enable these teachers to become highly qualified in the additional subjects over a three-year period. Teachers must be highly qualified in at least one of the subjects that they teach in order to qualify for this additional time.

The new guidance also changed current Department guidance regarding qualifications for science teachers. States now have the flexibility to require science teachers to demonstrate subject-matter competence either in specific scientific fields or in general science, depending on State certification or licensure requirements.

The Department also clarified that since States have the authority to define grade spans, they may determine the highly qualified teacher requirements that teachers must meet at the elementary, middle, and high school levels. Other areas covered by the new guidance include the use of a High, Objective, Uniform State Standard of Evaluation (HOUSSE) for veteran teachers, requirements for special education teachers, and improved data collection and monitoring procedures.

Participation Rates

Another area of flexibility I would like to address today concerns the calculation of participation rates. Requiring participation in assessments makes our schools more inclusive, responsive, and fair in meeting the needs of struggling students. In order for no child to be left behind, all students need to be included in the assessment. The 95 percent participation rate was included in the law to ensure that all children are assessed and that students are not systematically excluded. However, we recognize that are circumstances when a few absent students could prevent an otherwise successful school from meeting the 95 percent participation rate requirement.

States already have significant authority in calculating participation rates. They determine how large a subgroup must be in order to be considered separately for participation rate calculations. In addition, many States have testing "windows," which include "make-up assessments" for students who miss tests. These make-up tests can count toward the school's participation rate.

Under the new guidance announced on March 29, a State may use data from the previous one or two years to average the participation rate data for a school and/or subgroup, as needed. If this two- or three-year average meets or exceeds 95 percent, the school will still meet the AYP participation rate requirement. Thus, schools that are performing well in this category may not be identified as "in need of improvement" because of a one- or two-year dip in their participation rates. The new policy also makes allowances for those rare circumstances when a student cannot take the assessment during the entire testing window, including make-up dates, due to a significant medical emergency, such as a car accident. Although students remain enrolled in the school during this period, schools do not have to include these students when calculating their participation rates.

NEW FLEXIBILITY AUTHORITIES IN NO CHILD LEFT BEHIND

Transferability

The vast majority of Federal education dollars reach States and districts through funding formulas. Funds for teacher quality, technology, Safe and Drug Free Schools, and the Innovative Programs grant are all distributed in this manner. However, Federal formulas do not always allocate funds in a manner that reflects local needs. Some districts may have a greater need to focus on professional development; others may be focusing on improving the safety of their schools. No Child Left Behind offers a remedy for this through what is called "Transferability." Now, for the first time, school districts can shift funds from one of those programs to another, or into Title I.

Up to 50 percent of non–Title I formula funds can be transferred to other formula programs, including Title I. A State may transfer up to 50 percent of the non-administrative funds allotted to it to carry out State-level activities. Transferability applies to the following programs:

- Teacher Quality State Grants
- Education Technology State Grants
- Safe and Drug–Free Schools and Communities State Grants
- State Grants for Innovative Programs

School districts do not need to apply for this flexibility—it is automatic. They only need to notify the State. However, since flexibility requires a higher level of accountability, a school district identified for school improvement may only transfer up to 30 percent and must use those funds for school improvement purposes. Districts identified for corrective action are prohibited from transferring funds under the transferability authority.

State and Local Flexibility Demonstration Programs

The Transferability provision I just described is designed to allow resources to be shifted across Federal programs, but it does not affect any of the requirements attached to those program dollars. No Child Left Behind also provides States and districts the opportunity to demonstrate a new kind of flexibility—one that permits them to enter into an agreement for significant flexibility in exchange for producing results—through its State and Local Flexibility Demonstration programs.

The "State–Flex" program authorizes the Secretary to grant flexibility to up to seven States. With this flexibility, a State can harness the use of Federal dollars at the State level to meet important State priorities. It accomplishes this by permitting States to do the following:

(1) Consolidate and use certain Federal funds reserved for State administration activities for any educational purpose authorized under NCLB.
(2) Specify how school districts use funds they receive under the State Grants for Innovative Programs. For example, a State could use this authority to use those funds to launch a new statewide initiative, or focus on school districts in need of improvement.
(3) Enter into performance agreements with four to ten school districts in the State, permitting those school districts to consolidate certain Federal funds and to use those funds for any ESEA purpose.

The "Local–Flex" program permits up to 80 school districts (in States that do not participate in State Flex) to take non–Title I formula funds and to, in effect, design their own program using Federal dollars. The individual program requirements and distinctions go away. Instead, school districts are permitted to use the funds for any purpose authorized by No Child Left Behind for a 5-year period. This same flexibility is also available to districts that enter into agreements with their State under a State–Flex agreement.

Local–Flex offers districts a powerful tool to design new approaches to meet their unique needs and total flexibility in directing certain Federal funds to achieve key gains in student academic performance and to meet or exceed AYP.

It is not too late to apply for this flexibility—we just announced a new competition, and applications will be reviewed on a rolling basis. There isn't a deadline. Thus far, Florida has been approved as a State–Flex State, and 8 of its districts have entered into Local–Flex agreements with the State. Seattle has been approved as a Local–Flex district.

CONCLUSION

In my testimony today, I have only provided you with a brief look at the flexibility available to States and districts in No Child Left Behind. We believe that flexibility is critical to the success of No Child Left Behind. As I stated at the beginning of my testimony, you all know more than the Federal government about what your needs and priorities are. I encourage you to take full advantage of the flexibility authorities in the law—Transferability, State or Local flex, for example. In addition, I would encourage you to see your State's assessment and accountability system as truly your own, built on Georgia standards and reflective of your State's priorities. Examine the guidance we've recently released to see how it could help Georgia. Contrary to those who say we are watering down the requirements of the law, we believe this new flexibility enhances, and does not in any way diminish, the central accountability requirements of No Child Left Behind. The flexibility we granted was based on what we believed to be consistent with the letter and spirit of the statute, and was informed by State experiences in implementing the law.

Lastly, keep in mind that all this discussion of flexibility and strange sounding terms like "transferability," and the technical nuances of detailed regulations, that this is all about children—and making the "system" work for what is best for them. Together, we can work as partners to ensure that they can succeed.

Thank you very much. I would be happy to answer any questions that you may have.

STATEMENT OF MS. KATHY COX, SUPERINTENDENT OF SCHOOLS, STATE OF GEORGIA, ATLANTA, GEORGIA

Ms. COX. Thank you.

Chairman BOEHNER. Welcome.

Ms. COX. Thank you and welcome to Georgia, and I want to thank the Committee and Congresswoman Majette and Congressman Burns for being here and hosting this. This is a great oppor-

tunity for us here in the State of Georgia to share our experience with our own Members of Congress, which I will be pleased to say that I have had several conversations over the course of the last 10 to 12 months with both of our Representatives, even more. As you well know, Mr. Chairman, Georgia is well represented on the Education Committee.

Chairman BOEHNER. More so than any other state I might add.

Ms. COX. So that is why you are here and we appreciate it, and they have all been very diligent in touching base and seeing what they can do to help the State of Georgia as we embark on this very important law. And I also want to thank Dr. Hickok and Dr. McDaniel for their testimony and being here today, and on behalf—just so you get Georgia in perspective—Georgia's 181 school districts, 80,000 teachers, and 1.4 million students. I am here as the State Superintendent of Schools representing that.

And like every other state in this nation we have begun a journey toward what you know is a very ambitious goal, a goal that no other nation on the face of the earth has ever attempted, and that is that we are going to provide a quality education for all of our children by an absolute date. And we have embraced this in the State of Georgia. Sometimes maybe a forced embrace, but we have embraced it nonetheless, in almost every corner of our state I will say, and I say that with pride. And I think that it is very appropriate that we are here in Richmond County, Georgia, Augusta, which has been working very hard for many years on improving student achievement and working on closing the achievement gap and I will tell you that work continues at a ferocious pace today, as they prepare for their students next week who will be embarking on our statewide testing cycle. I have been fortunate to have been in this school system, this particular school system several times since I took office. And I will tell you while the work of No Child Left Behind has been tough and that disaggregation of data was tough for all of us in our state, this is a system that has embraced again the challenge and the goal of No Child Left Behind.

And I will also add they are embracing a little bit more money today than they did last week because we were able to award Richmond County Schools Reading First grants to 22 of their elementary schools at this last—on Tuesday's State Board of Education meeting. So, I know they are pleased because each of those schools generally are receiving over $300,000 each to provide training and teacher support in Reading First efforts. So, this school system definitely understands the charge of No Child Left Behind and is taking advantage of the many opportunities that the Federal Government is offering us.

I do also want to talk about the flexibility that the Department has recently extended to states regarding the implementation. First of all, the fact that—the uniqueness of the plans and while many portions of state plans may look similar, Georgia does have some unique attributes that we were pleased that the Department was able to support. For instance, our definition of basic, proficient, and advanced, our minimum number for the sub-group accountability, the way we chose to define full academic year so that it made sense with the data we were already collecting from systems, our time

line for reaching 100 percent proficiency as well was all up to the State of Georgia.

But one area that is particularly unique is the flexibility that we were given with the choice of an additional academic indicator. Many states opted to leave attendance as the only option for elementary and middle schools, and Georgia put together a plan that would offer their elementary and middle schools a menu of options. So, depending upon the strengths of that particular school or system they were free to chose among many things. Attendance rates still could be chosen by that school but you could also look at the middle grades' writing assessment that our state gives. You could also use the scores on our state-mandated tests in the area of science or social studies as a second indicator.

And I think most importantly, as Georgia seeks not just to make students proficient but to actually challenge our school systems to move students from proficiency to beyond proficiency and to an area of exceeding the standards, one of the most important options is that schools can choose as a second indicator the number of students that they have in the exceeding the standards on these various academic assessments.

We also know that this law has extended to us flexibility with regard to where we were in the progress of our own state reforms. Georgia was in the midst of its own development of an accountability system, its own development of a grading system for schools, its own development of large scale testing. We actually are a state that really for two decades has been testing our students, but that rigor of that test and doing it grades one through eight as well as a high school graduation test had already begun, and so we were one of those states that are out there that was kind of in the midst of doing really the same things that this law is attempting to do.

And so then the law comes in, so how do we work the No Child Left Behind requirements in with what was already going on in our state? So, luckily what we have had again is an awful lot of flexibility working with the U.S. Department on interpretation of the law and working this AYP determination into our own state plan for accountability. And I am pleased to announce that while our legislators will have to come back for a special session to deal with our state budget troubles, we were able in this past legislative session to get language in our own state laws that are going to move us toward a single statewide accountability system.

We also—in terms of flexibility, an area that has not gotten a whole lot of discussion as of late—but we also were very pleased with the flexibility over the definition of persistently dangerous schools. We in Georgia are in full support of the principle that students who have been victims of a violent criminal offense or who attend a school that meets that definition should have the ability to transfer to a safer environment. And so our priorities when we had this great flexibility to come up with how the state would define persistently dangerous, we wanted to make sure it was balanced and equitable, neither too lenient or too harsh and that no school would necessarily be unfairly labeled.

While you look at Georgia standards and it is clear that the commission of a violent criminal offense just one time at a school over a period of 3 years, one for each year, could render it labeled per-

sistently dangerous. That is a tough standard, but we felt as a state in discussion with our education stakeholders and particularly parents, that that is the hard line we needed to draw in the State of Georgia. So, we feel particularly pleased with the flexibility to be able to write our own definition.

The other area that has been very beneficial to our state is the flexibility in the law that gives our school systems the ability to use up to half of their non-Title I funds as they see fit, something that you mentioned earlier, that ability to transfer Federal dollars between programs. Particularly at this time of very, very, extreme limitations on state budget dollars, the flexibility that they have over Federal programs has just been tremendous and much to their advantage. We have school systems across our state who now understand the benefits of literacy coaches, and the ability to be able to use Federal money to provide literacy coaches whether they are in the particular Title I program or not, and the ability to move things around is going to be tremendously helpful as we seek grade level proficiency in reading.

We also make use of the school wide program, that consolidation of Federal funds at the school level for Title I schools. And again we are not one of your state flex states but we have benefited just from the ability to use our consolidated admin funds across the programs. And we have not fully embarked on the whole transferability of that, but we understand what we now have the capacity to do, and are in a situation as we beef up our reform efforts particularly in the testing area, the benefit of the flexibility.

So, we feel as a state that we are helping our systems. As Congressman Burns pointed out, just here in the 12th District I think we have—I agree with you we have a clear representation of what every school system across the Nation, whether it is rural, urban, suburban, or a new one I heard yesterday ruburban, our rural school systems that are finally finding themselves a little bit of suburbia. And so, we have that in the 12th District as well, so again we are pleased.

Now I will also point out the other areas that Georgia in the first year of implementation and AYP determination, the three biggest areas that we found our school system and our state had trouble with. First was 95 percent participation, that hit Georgia like a ton of bricks. I think it is fair to say no one was prepared for that literally. There was some knowledge of what this requirement would be. But there had not been much communication. I came in office in January and had to quickly get up to speed on No Child Left Behind and get the state department working on trying to communicate to our districts. But through no fault of our districts, they were not fully aware of what this requirement was going to be and how it was going to fully affect them. And I think that is fair to say, it was really no fault of their own. But at any rate, it hit and it hit hard, and I will give you some statistics on that in a minute.

The other area that was particularly difficult for Georgia was the use of the alternative achievement standards and the alternate assessments for our students with the most significant cognitive disabilities. We kind of found ourselves in a catch-22 between what we were doing on IEPs and us not giving students the required tests at grade level versus what we had been able to do previously

with the alternative assessment or the decision just not to test at grade level. So that also hit and was quite difficult.

And then also we, like many, many states and this is going to be an ongoing issue that I think we will all continue to work on particularly with the Department, but the calculation of AYP for our limited English proficient students.

But I am pleased to say that as all of these issues came up, we have seen a great willingness on the part of the Federal department, Secretary Paige, Dr. Hickok, the new assistant secretary Ray Simon and all of the staff to work with our state as well as many others in trying to understand the problem and then figure out how the regulations and the guidance could help us address these, and we have had some great results.

Let me just talk a little bit about the participation criteria. Of the 846 schools across Georgia that did not make AYP, 536 subgroups did not meet the 95 percent criterion within those schools. And of those 846, 187 schools did not make AYP solely due to the 95 percent criterion. So, I want to point out two things that have happened. No. 1, this state woke up about attendance, wouldn't you say, Dr. McDaniel? Woke up in a quick way like having a piece of plywood across your head. And we immediately began work on a statewide student attendance task force that we pulled together of juvenile court judges, district attorneys, social workers, school officials, parents, and school level administrators to work on the issue of how can we raise attendance and help our schools make sure kids are coming. Because as teachers have said for many years, we cannot teach them if they are not there.

So, we have done that and we again were successful in this legislation. I am very pleased to announce that we will now be implementing a school attendance protocol committee, made up of representatives from all of those areas I just discussed where every school system will be sitting down as a community to talk about how to solve the issue of truancy, and we are very pleased with that.

But we are also pleased, very pleased, with the new guidance from the Federal Department about being able to have a two to 3 year average on the 95 percent participation. Because even schools that had terrific general attendance rates found themselves many times missing in a subgroup by two or three students because of our minimum number of 40. So that was a real issue for us and I think it was an issue across the Nation and the Department responded very accordingly.

The second area was the use of the alternate achievement standards and alternative assessments for students with significant cognitive disabilities, and of course Georgia is committed to including all of our students in our state assessment and accountability system. We believe that the recent flexibility addressing the 1 percent cap is going to help many of our school systems. Where Georgia finds itself with this whole issue of special education I think as with many states, where we may not find ourselves as a statewide exceeding the 1 percent for those kids with significant cognitive disabilities, we may have those exceptions at a district level based upon the population of the community. But we feel as a state and working with the Federal Government and I think you alluded to

this as well, working with that population of students that does not necessarily meet the definition or fit the kind of student that needs to be taking the alternate assessment but the student who though is still not ready for grade level testing. And I think that we as a state have expressed that to the Department, and we will be working with them over the next several months and years to help resolve that issue and to get our testing and our assessments in line so that we can be servicing all kids and holding schools accountable for the learning of students, but also recognizing fairness both to the students and to the schools in what they are trying to accomplish, with many of our students with disabilities.

The last thing is the AYP for limited English proficient students. This also came—the new guidance pleased Georgia very much because one of the things that had troubled us as a state as we experience a large growth in this population of students, and it is not just in our urban Atlanta area or urban Augusta area, it is really happening statewide. We were very concerned about testing students who have not even had a chance to learn English.

So the fact now that we can for the first year that child is in an American school or Georgia school not count their scores to the determination of the AYP is going to be very helpful to those schools and those students. And I think it will help ease some of the stress our ESOL teachers have been feeling about this law and about this particular provision. I also think that, and Georgia had actually proposed this in its plan and I would like maybe to take credit for giving the Department an idea, I doubt we were the only ones. But we had initially suggested that for that limited English proficiency group that we be allowed to carry their scores over even after they had officially left the program to allow that subgroup not to be in constant flux.

And so again that kind of flexibility that we are now going to be able to experience will help tremendously.

So, in conclusion, I believe as the State Superintendent of Schools and having also been around and working with districts, that as a result of No Child Left Behind, we can truly say for the first time ever in the State of Georgia that we are truly focusing on the performance of every child, in every classroom, in every part of our state. And we are fully committed to the ambitious goal of this legislation and again we are grateful to the U.S. Department of Education for giving us flexibility in the spirit of the law, and to say to you that our vision for the State of Georgia as we embrace this law and our other state laws that we are using to reform that we believe that you are going to see Georgia over the next several years, that Georgia will lead the Nation in improving student achievement for all students. Thank you.

Chairman BOEHNER. Thank you, Ms. Cox. Dr. McDaniel.

[The prepared statement of Ms. Cox follows:]

Statement of Kathy Cox, Georgia State Superintendent of Schools, Atlanta, GA

Thank you. On behalf of Georgia's 181 school districts, 80 thousand teachers, and 1.4 million students, I want to thank the Committee for this opportunity to share with you some of the wonderful things going on in our schools as a result of the No Child Left Behind Act.

Like every other state in the nation, Georgia has begun a journey towards an ambitious goal that no other nation on earth has ever attempted: a quality education for all of its children by an absolute date. Educators and administrators across our state remain committed to the goal of this legislation: that by the 2013–2014 school year, every child in our state—regardless of race, income, or disability—will achieve at grade level, with no child left behind. We have made it our goal that we will lead the nation in improving student achievement over the next several years, and the implementation of No Child Left Behind will play a significant role in these efforts.

Given the great flexibility extended to states regarding the implementation of provisions in No Child Left Behind, all fifty states have unique plans—and Georgia is no exception. Like many other states, Georgia has taken advantage of statutory flexibility in areas such as the definition of Basic, Proficient, and Advanced students; the minimum number for subgroup accountability; the definition of Full Academic Year; and the timeline for reaching 100% proficiency.

In these areas, our plans resemble those of a great number of states. Georgia is particularly unique, however, in our use of flexibility with the choice of an additional academic indicator. While many states opted to leave attendance as the only option for elementary and middle schools, Georgia offers a variety of choices to local education agencies to ensure that AYP determinations are as relevant and valuable as possible at the local level. Our menu of additional indicators includes attendance rate, retention rate, Middle Grades Writing Assessment, CRCT Science, CRCT Social Studies, and the percent exceeding standards on academic assessments.

No Child Left Behind also extends flexibility in the integration of AYP with the previously existing state accountability system. Under House Bill 1187, passed in 2000, Georgia took a major step towards accountability, putting into place many of the provisions—such as rewards and consequences for schools and systems and a statewide assessment program—that would be called for just a year later with the signing of No Child Left Behind. In order to ensure that the A–F grading plan proposed by HB 1187 was consistent with that of the AYP system, we joined the Governor in proposing legislation that would delay its implementation for one year as we worked to bring the provisions of state legislation into alignment with the federal law. As a result of the 2004 Georgia Legislative Session, the letter grades have been replaced with numerical scores.

Georgia has also taken full advantage of the flexibility extended to states to define persistently dangerous schools. We are in full support of the principle that students who have been victims of a violent criminal offense or who attend a school that meets the definition should have the ability to transfer to a safer school. Our priority was to ensure that Georgia's definition was balanced and equitable, neither too lenient nor too harsh—and that no school would be unfairly labeled as persistently dangerous because of the criteria. Under the USCO rule, just one violation of school rules related to a violent criminal offense for three consecutive years may be enough to define a school as persistently dangerous. There were some arguments that this standard was too harsh and would lead to a school being unfairly labeled by the actions of one student. Ultimately it was determined, however, that stringent standards must be maintained in order to ensure that our schools provide safe, nurturing environments where students can learn. Accordingly, a school where a violent offense has occurred for three consecutive years has established a pattern of serious, violent offenses, and must improve for student learning to thrive.

The flexibility in the law also gives our school systems the ability to use up to half of their non–Title I funds as they see fit, enabling them to transfer federal dollars between programs in order to address the specific needs of their student populations. Additionally, we make use of the School Wide Program, a consolidation of federal funds at the school level for Title I schools. At the state level, we have benefited from the ability to use consolidated admin funds to run federal programs. We have requested transferability of funds, but have not initiated its use at this point.

Clearly, as a result of the statutory flexibility in the law, Georgia has been able to meet the unique needs of our systems and schools while fully complying with the spirit and the provisions of the legislation. As with any undertaking this expansive in scope and vision, however, there were numerous challenges that emerged during the implementation process. In the spirit of continued partnership with the United States Department of Education (USED), we shared three obstacles that presented Georgia's schools and systems with the greatest difficulty: 95% participation, the use of alternate achievement standards and alternate assessments for students with significant cognitive disabilities, and the calculation of AYP for Limited English Proficient (LEP) students. Showing its willingness to work with states to enable them to fulfill the provisions of the law, the United States Department of Education has responded in each of these areas in recent months with new areas of flexibility.

1. 95% Participation Criterion

Out of the 846 schools across Georgia that did not make AYP, 536 subgroups did not meet the 95% criterion. 187 schools did not make AYP solely due to the 95% criterion. We are working on a variety of measures to improve these results this year, and are planning to take full advantage of the new ability to average up to three years of participation data for schools, ensuring that schools are not penalized for one year anomalies.

2. The Use of Alternate Achievement Standards & Alternate Assessments for Students with Significant Cognitive Disabilities

Georgia is committed to including all students, including students with disabilities, in our state assessment and accountability systems, and we believe that the recent USED regulations addressing the 1% cap and the use of alternate achievement standards and alternate assessments for students with significant cognitive disabilities will allow these students to be included in a more valid, reliable, and fair manner.

332 schools in Georgia did not meet AYP due to some factor involving the students with disabilities subgroup. Based on the best available data regarding GAA participation rates, however, Georgia does not expect this year to exceed at the state level the 1% cap on the percentage of proficient scores relative to enrollment that may be included in AYP based on alternate assessments aligned with alternate achievement standards. As such, we do not expect to seek an exception to the 1% cap this year.

As Georgia works to enhance its statewide assessment system in all areas, we intend to review our alternate assessments as well to ensure a full range of assessments and accommodations that can most validly, reliably, and fairly include all students with disabilities, including those students with significant cognitive disabilities. At that time, we may seek an exception to the 1% cap for future years if educationally appropriate.

3. The Calculation of AYP for Limited English Proficient (LEP) Students.

Georgia is also pleased with the new guidance designed to provide states with new flexibility for Limited English Proficient students and the schools they attend. Now with the new guidance, we have more options to ensure effective LEP student participation in state assessments during their first year in a U.S. school and subgroup inclusion of LEP students for AYP purposes.

In conclusion, as a result of No Child Left Behind, we can truly say for the first time ever in Georgia that we're focusing on the performance of every child in every classroom in every school across the state. We are fully committed to the ambitious goal of this legislation, and we are grateful to the United States Department of Education for giving us flexibility within the spirit of the law to enable us to achieve these standards and thus provide a quality education for all of Georgia's students. Thank you.

STATEMENT OF DR. JEFF McDANIEL, DIRECTOR OF SCHOOL IMPROVEMENT AND FEDERAL PROGRAMS, FLOYD COUNTY BOARD OF EDUCATION, ROME, GEORGIA

Dr. MCDANIEL. Thank you, Floyd County Schools would like to thank the Committee on Education for the opportunity to testify today. We have got some exciting things going on in Floyd County Schools relevant to the legislation No Child Left Behind and Adequate Yearly Progress.

Two to 3 years ago when we were aware of No Child Left Behind and Adequate Yearly Progress, we knew immediately as we read the legislation and we looked at the foundational beliefs, the theoretical processes, the efficacy of the law, that we certainly knew in Floyd County we were going to have to develop a belief system that certainly aligned with our communities' internal and external stakeholders.

But also we were going to have to line our vision with the state and where we were going with No Child Left Behind. There had

to be a commitment that we had to share throughout our communities regarding our support for No Child Left Behind.

After our beliefs had been established and we had shared a lot of No Child Left Behind with our community, we certainly looked to realign our curriculum action plan. And we did have to do some modification to our curriculum. A lot has taken place this year, all for the purpose of No Child Left Behind, and increasing student achievement and closing those learning gaps. That was very important to us.

We truly believe that time on task, time in the classroom, student achievement, certainly a high part of that happens day in and day out in the classroom. And if we truly wanted to really close those achievement gaps, raise that student achievement, we were certainly going to need to extend our instructional time. And the best way that we have found out that that was going to be suitable for our school system was certainly to evoke a modified calendar, a calendar that added 13 additional instructional days onto the academic school year. These 13 days would be coupled by what we call inter-session where three times a year throughout the year and we might more formally know this as a fall break, a winter holiday break, and a spring break. We would lengthen those breaks to include what we call inter-session or sessions where students will have the opportunity to come to Floyd County Schools and receive intense instruction primarily in the reading, English, Language Arts, and Mathematic areas which certainly parallel No Child Left Behind and Adequate Yearly Progress.

We certainly set a priority of the student that we would like to attract to inter-sessions. And our goal is certainly no different than No Child Left Behind. By 2014 we will all be meeting expectations in Floyd County. We are very confident of that.

But we really felt that on the road and as we reach our benchmarks year after year that the targeted student for inter-session would be that child—and this is just a very general example specifically related to the CRC testing which is our assessment for K through 8 schools—we would target this child to come to inter-session that maybe scoring 275, 280, maybe 290 on the CRCT; 300 and over is certainly meeting expectations. Below 300, 299 and below is certainly not meeting those expectations. But we felt with these 13 days of intense instruction sporadically positioned throughout the year that we could make a difference with these children, that we can see a 10, 15 or 20 point gain come test time with these children due to these 13 days of instruction.

Now, we certainly did not want to forget about the opportunity to educate all because that is firmly our foundational belief in Floyd County. All children will and can learn, so certainly the child who may be performing less than that maybe at the 220, 230, 250 level, I think we saw more of an action plan for our curriculum to incorporate a more intense before and after school program, a program that consistently throughout the year these children could come to, they could receive that intense instruction in the mathematics, and the reading and English, Language Arts and have that on a consistent basis. And we are very confident while we may not move all up to 300 in 1 year, we are certainly confident that as we watch No Child Left Behind and we implement those foundations,

that by the year 2014 we will be there. And we will make high progression very quickly with these children.

But to make sure inter-session was not just the only opportunity for children to come to receive some remediation, we have taken advantage of some Federal grants. For example, we have the 21st Century Learning programs in three of our title schools in the State of Georgia—or in Floyd County. These schools, they target the math and they target the reading and they target the instruction for students performing below the meeting expectations on the CRCT, but it also has a specific parent component wrapped into that, the parents have to participate with their child. Most of the time after school, we have Saturday sessions, we have special times throughout the year that parents certainly are incorporated in these programs.

Another thing that we certainly examined in Floyd County was we wanted to provide some daily routine for students who might not be meeting expectations on the CRCT in math and reading. We incorporated a curriculum area that we have titled with the anagram LINKS L-I-N-K-S. It is Learning Insures Needed Knowledge and this is in place in our elementary schools and our middle schools and it targets the students who are scoring below the meeting expectations on the CRCT. We have a 14 to one student/teacher ratio in the elementary level, and an 18 to one in the middle school level. And these students receive extra instructional time each and every day in the math and reading.

We believe math and reading are the foundational core curricula that guides the process of all other curricula. That if they have the comprehension skills and they have the knowledge to read at grade level coupled with the analytical or left brain thinking, that we truly believe we are creating a holistic learner, that they would be able to go forward in the other academic areas and be very successful.

After the curriculum and the action plan was set and certainly it is a plethora of programs, as Ms. Cox stated earlier, we have suffered some budget cuts in our district and we have developed these programs using no local monies. We have taken advantage of the 50 percent with the Federal entitlement monies, we have also used our grant money to promote student achievement.

One of the last things we did was our school improvement plans. We decided early on we wanted to be proactive, we did not want to be reactive to No Child Left Behind. We did not want to wait until a school was in need of improvement in the third year needing restructuring, and then try to figure out what the heck happened. We wanted to take the initiative now to prepare our schools not to go down that road. So, we have specifically written school improvement plans in each and every school. We sat down, the curriculum and instruction department in Floyd County, sat down with each and every principal at their school, their school councils, their PTOs and we wrote school improvement plans that specifically relate to No Child Left Behind, Adequate Yearly Progress. There are benchmarks in there, we are able to assess these by student goals matching the measurable objectives. It is empirical and it is powerful, and it has certainly brought a very clear understanding to our internal stakeholders or certified auxiliary per-

sonnel our efforts and attempts with No Child Left Behind. It has truly been a systemic and systematic way that we believe about No Child Left Behind in Floyd County.

One of the last things that I want to mention is while we do not have a lot of quantitative results yet, a lot of these programs are brand new. The school improvement plans we are looking at our curriculum action plan, our inter-sessions, a lot of these are brand new this year. They have been implemented at the beginning of the year. We do not have a lot of quantitative data. We certainly will after we test our CRCT and we start developing our benchmarks and our foundation of where our kids perform in a measurable type of academic sense.

But we do have qualitative, we do have the parents whose child attended inter-session who said my child over the 3 week holiday period in the winter and traditionally it is 2 weeks, ours is 3 weeks with 1 week of inter-session coupled in. This parent said that she has never seen her child so motivated to learn, excited about inter-session—loved every minute of it and was ready to come back to school. And this is just one of many examples from a parent. We had a child who attended inter-session in the elementary grades in the fall who never read, never entered the media center, I do not even know if the child knew how to find the media center. But certainly during inter-session there was an intensified constant area of reading that was being demonstrated and practiced by the students. This child loves to read now. And 1 day the media specialist saw the child entering the media center, and said I have seen you here three times this week, and he said after inter-session I just love to read. Those are the qualitative comments that provide us the needed assessments that we know in Floyd County we are heading in the right direction. And yes, we have done this on a shoestring, we have developed it with very little funding and absolutely zero local money. So, we are very proud of that.

The last thing that I would like to say—I do not have to say this but I want to say this. I want to say that the Georgia Department of Education and Ms. Kathy Cox coupled with the Office of Student Achievement and Dr. Martha Rycliff who is the Executive Director, have just been more than helpful encouraging, acknowledging, caring, compassionate, in our needs to establish No Child Left Behind and AYP in our county. Every time that I call down there, it is an immediate response. If they cannot get back to us right away, the call certainly comes within a 24 hour period. Answers are given, we talk about things rationally, and I just cannot say enough about the support system. I truly believe that we would not be as far along in Floyd County with No Child Left Behind and Adequate Yearly Progress if it was not for the support of the Georgia Department of Education, both Ms. Kathy Cox and Dr. Martha Rycliff. I truly believe that.

And finally, I would like to mention the U.S. Department of Education. Our flexibility—and when Ms. Cox has commented on flexible needs she is hearing from the school systems, she wants to hear from us, and we tell her, you know, LEP students are having a difficult time when they cannot speak the language. 95 percent is a very tough criteria to make, and she has open ears about that, and obviously things are getting communicated to the Federal level be-

cause we are seeing changes and I just want to tell you that Floyd County is very proud that we are being listened to and that there is flexibility handed down.

Thank you very much.

[The prepared statement of Dr. Jeff McDaniel follows:]

Statement of Jeffrey D. McDaniel, Ed.D., Director of School Improvement and Entitlement Programs, Floyd County Board of Education, Rome, GA

Floyd County School System

The Floyd County School system believes in the foundation, structure and integrity regarding the federal legislation of No Child Left Behind (NCLB) and the student assessment measurements pertaining to Adequate Yearly Progress (AYP). More specifically and narrowing the focus regarding the complexity of NCLB–AYP, the Floyd County School system recognized a need to conduct an assessment for the purpose of forming a belief system and curriculum action plan that summarized the intentions pertaining to NCLB–AYP.

Continuing in this vein, our needs assessment revealed that we must systematically and methodically address and implement our NCLB–AYP belief system and curriculum plan. In addition, the Floyd County School system must give caution to avoid addressing too quickly to our stakeholders the many concentrated areas that form the NCLB–AYP federal law. Furthermore, we must give acknowledgement to the perplexing obstacles (i.e., a reduction in budgeted monies) that are currently facing our school system. The Floyd County School system believes that anything less than the aforementioned might possibly weaken our efforts toward successfully carrying out a well detailed and summarized belief system and action plan.

The Floyd County School system developed a belief system that aligns with NCLB–AYP and supports the relative achievement levels of all students. In addition, our belief system is structured to be accountable toward closing all achievement gaps and ensuring that improvement regarding student achievement and learning will continually improve. The Floyd County School system operates on one basic belief: that by providing a detailed and comprehensive curriculum action plan that purports the components of NCLB–AYP that every child—regardless of income, gender, ethnicity or disability—can learn, and that every child deserves to learn. This belief clearly aligns with the foundational components of NCLB–AYP.

The Floyd County School system clearly understands that forming a theorized belief(s) that includes a curriculum action plan can be an easy process; however, implementing and selling the belief(s) system and plan to our many stakeholders, internal and external, especially in times of economic difficulty, can be arduous at best. Therefore, it became a highly prioritized need that the Floyd County School system communicates clearly to all stakeholders the economic considerations our school system has been operating under for the past few years and assures that our new NCLB–AYP curriculum action plan would not further provide constrains to the school system budget.

The Floyd County School system is comprised of over 10,000 students and we have experienced $7,000,000 of state budget reduction over a three year period. Given that prior to these budget reductions, the Floyd County School system operated on an overall budget of $80,000,000, it has required a comprehensive effort to maximize every dollar for the purpose of improving student achievement. In addition, our state requires a rollback in millage rate if there is a growth in digest based in reassessment of property. A recently passed school tax exemption for older taxpayers further compromised our funding sources. Therefore, our NCLB–AYP curriculum plan of action had to be a concentrated effort using limited resources to improve the most critical elements that impact student achievement. Our plan for meeting NCLB–AYP concentrates on two areas: 1) creating a more effective use of instructional time in a K–12 system-wide initiative and 2) revamping our school improvement and continual evaluation process.

Implications of NCLB–AYP Regarding the Development of a Curriculum Action Plan in Floyd County School System

"Learning in America is a prisoner of time...Time is learning's warden." The National Education Commission on Time and Learning made this statement in 1994. American schools have the shortest school day and the shortest school year of any industrialized nation in the world. The Floyd County School system recognizes that our students spend much less time in academic endeavors than do the students with whom they will be competing globally for jobs, college placement, and scholarships. Knowing this a year and half ago and as we began to learn about the mandates

of NCLB–AYP, we examined how we could use time more effectively both outside the school day and during the regular school hours.

The Floyd County School system's NCLB–AYP Curriculum Action Plan begins with a newly modified calendar for the 2003–2004 school year that provides thirteen days of additional instruction through Intersession periods. Floyd County School system students, in effect, have the opportunity to change a 180 day instructional year into a 193 day instructional year. The modified calendar is in the first year of implementation, and the formative quantitative and qualitative evaluations are showing us that the project has been very successful in raising the achievement of students who are not performing at grade level.

The modified calendar is unique; whereby, the Floyd County School system begins the school year in early August and ends in early June. Every 45 days, we have a break ranging from five days to fifteen days, the longer periods being incorporated into winter and spring breaks. During these breaks, we operate thirteen days of full day instruction in all grade levels K–12 at all schools. Students are invited to attend based on their performance in the classroom and on standardized assessments. Committed to the goal of not simply reaching NCLB–AYP, but rather exceeding expectations, we offer both remediation and enrichment classes. The remediation classes focus on math, reading and language arts skills, while the enrichment classes focus on a wide range of topics that are not offered in the regular curriculum. Remediation instruction is individualized per the students' Student Support Team plans so the teachers pinpoint exactly the areas in which students are deficient, as well as having suggested strategies for improvement.

In order for us to make this opportunity readily accessible to as many students as possible, we provide transportation, breakfast, lunch, and after-school care. These extras help to eliminate any barriers that might prevent a student from attending Intersession classes. Because the instruction is very intense and concentrated, we have chosen to intersperse brief periods of art, music, and physical education with the instruction. The teachers and administrators are Floyd County School system employees who choose to work off-contract time and are compensated at a per diem rate, based on their training and experience. The funding for this initiative has come from a creative and wise use of state remediation funding, federal entitlement monies, and grants. Thus far, we have operated three Intersession periods serving a minimum of 1800 students per session and have spent no general fund monies. A copy of the school year calendar (Attachment A) and a sample summary report from the fall Intersession period (Attachment B) are provided.

Floyd County School system staffs have reported numerous success stories of students who have attended Intersession as a result of NCLB–AYP requirements. For example, an elementary media specialist related the story of a reluctant fifth grade reader who had a history of never voluntarily coming into the media center. After the student attended Intersession, the media specialist began to notice an increase in the frequency of his visits to the media center. She also began to notice that he was routinely checking out books and passing his Accelerated Reader tests. When she praised him for visiting the media center, he proudly told her, "I love to read because now I know how."

As part of the formative evaluation process, parents, teachers, and students complete surveys relative to the modified calendar and Intersession. One parent stated, "Intersession opportunities need to be offered to ALL students regardless of academic level. My child benefited tremendously and it got him ready to study and learn again after a long Christmas break. He went back to school "ready to learn" when school started again." Students were a bit different in their opinions of Intersession. Many high school students commented that they did not like to attend Intersession and wanted to go to the beach during the break. They further commented that they had to work too hard during the Intersession periods and study too much. It is important to note, however, that these students would not have been included in Intersession if they had been performing on grade level during the school year.

Students who are unable to attend Intersession are not exempt from receiving academic assistance. For example, Floyd County School system participates in the 21st Century Community Learning Center (21st CCLC) program, a federally funded program that provides assistance for students needing improvement in reading and math. Three elementary schools received a grant, totaling approximately 1.7 million dollars over the past two years. With these funds, we are able to offer Saturday and evening programs for parents and students, as well as additional services during the school day and the summer. While the academic focus for the student is on reading and math remediation and enrichment, the parent focus is on supporting and encouraging students to achieve higher academic goals.

The 21st CCLC programs are located in Title I schools; whereby, the parental involvement has been traditionally inadequate. However, we believe this program provides a positive atmosphere and effort in helping our schools meet NCLB–AYP requirements especially in the assurance component of parental involvement which is increasing throughout our school system. This type of belief system supports the

NCLB–AYP research that shows us parental involvement is a key component to student success and parallels the thoughts of Richard W. Riley, U.S. Secretary of Education, when he shared his intentions for teacher preparation in 1996:

> "Teachers must learn new ways to involve parents in the learning process. Thirty years of research tells us that the starting point of putting children on the road to excellence is parental involvement in their children's education."

The Floyd County School system's NCLB–AYP plans a two-week full day summer program offered to students in grades K–8. In addition, a half day program is available to high school students who have not passed or are in danger of not passing the Georgia High School Graduation Test. Our schools also offer after-school and before-school tutorials. Again, these programs are funded by state and federal monies, such as, Title I Supplementary Service funds, Title II, Title V, and state Instructional Extension funds.

In addition, the Learning Insures Needed Knowledge (LINKS) classes were developed as a result of NCLB–AYP requirements. These classes, offered during the school day, are skills-based, cross-grade level classes that work with students' deficits in reading, language arts, and math. We believe very strongly that a student cannot achieve in science or social studies if he or she does not have basic math, language, and reading skills intact. We have incorporated the LINKS classes, as well as Intersession attendance, into our local promotion retention policy and allow them to serve a variety of purposes. A copy of the local promotion retention policy (Attachment C) is provided.

Certain LINKS students have been promoted to the next grade level contingent upon their enrollment in these classes, while others are retained that might need the additional services provided through individualized instruction. The class sizes are very small; 14:1 in elementary school and 18:1 in middle and high school. According to our quantitative and qualitative evaluations, the LINKS classes have been very successful and teachers and administrators report marked improvement for the students enrolled in the classes. As we continue to evaluate and monitor this program, we are making the necessary adjustments to create even greater benefits for students who are not performing at grade level. The reduced class sizes and professional development for teachers and administrators have been funded by a number of state and federal remediation funding sources. Without the entitlement funding, this program would not exist.

Implications of NCLB–AYP on the School Improvement Planning and Continuous Evaluation Process

School improvement planning is not a new or innovative process. However, our school improvement planning process is unique in that all schools in our system have School Improvement (SI) Plans that are tied specifically to NCLB–AYP. We strive in all schools not only to meet NCLB–AYP criteria, but to exceed expectations. Our SI plans are "living documents" that provide direction and information on a daily basis to parents, students, teachers, and administrators relative to the goals and objectives that the schools must reach in order to meet the requirements of NCLB–AYP.

As we began to learn about the requirements of NCLB–AYP and our state's plan, we initiated an "information blitz" in our school system. Beginning with the Board of Education and moving into the central and school level administrations, the Curriculum Services staff provided workshops and informational sessions on the foundations and criteria of NCLB–AYP. We presented an informational PowerPoint presentation to every faculty member in our system, as well as various PTA groups, school councils, and civic organizations in our community. Therefore, when we began the school improvement planning process, we did so with the understanding and support of our entire learning community; whereby, we did not single out Title I schools or schools that had not made NCLB–AYP. Rather, we made a system-wide K–12 initiative aimed at improving our overall program and student achievement for all students, including LEP and students with disabilities.

Working individually with principals and their staffs, we developed plans that incorporated the NCLB–AYP requirements for school improvement, and yet addressed issues specific to the schools' individual needs. To ensure that the plans are meeting the stated goals and the students' academic needs, the curriculum services staff meets individually with principals to develop a mid-year progress report. In addi-

tion, a summative evaluation is conducted and student achievement goals are matched to student achievement results.

After each school's NCLB–AYP School Improvement Plan was completed and the process was well under way, we developed a system plan based on the prioritized needs of each school. Therefore, the Floyd County System Improvement Plan supports each of the individual school plans. Attached are copies of actual plans representing elementary (Attachment D), middle (Attachment E), and high school (Attachment F) levels, as well as the system (Attachment G).

Effective in the 2004–2005 school year, a new Floyd County School system teacher and administrator evaluation process will be implemented. The evaluation results are tied directly to student achievement. All certified system personnel develop a plan with measurable goals and activities, supported by professional learning, designed to increase student achievement. All plans are tied directly to the NCLB–AYP School and System Improvement Plan.

Currently, the school improvement planning process in Floyd County School system clearly aligns with the expectations of our Superintendent, Mr. Kelly Henson, who, in a NCLB–AYP briefing abstract released to the Floyd County Board of Education and external media, stated that..." progress toward continuous improvement relevant to NCLB–AYP is currently taking place in each school. The Curriculum Services staff is currently working with principals and their schools toward identifying areas of strengths and weaknesses. This collaboration will promote the formulating of productive school improvement plans that assess, plan, implement and evaluate formative goals. In addition, a NCLB–AYP PowerPoint presentation is being presented at every school for the purpose of continuity and understanding. We have invited and continue to invite anyone interested in learning about NCLB–AYP to one of these sessions."

Implications and Concerns Involved in Implementing NCLB–AYP

The Floyd County School system believes the No Child Left Behind legislation has been a double-edged sword. The positive side of the legislation is that educators are now being held to a higher level of accountability. We should be held accountable for the academic success of our students. The fact that all school systems in the country must be held to the same level of accountability is positive.

However, the legislation guidelines initially left a wide margin for interpretation by the individual states relative to the definition of "meeting standards". Georgia was one of the first states to submit its compliance plan. In the spirit of true accountability, a committee of Georgia educators set the goals high, understanding that all states were expected to do the same. When all the state plans were revealed, it became evident that many states' plans called for varying levels of competency. Therefore states, such as Georgia, have a much higher number of "failing schools" simply because our standard is set at a higher level, and not because our schools are producing inferior students academically.

The United States Department of Education (USDOE) has, to the best of our knowledge, been forthright in listening and, more importantly, responding to our concerns as educators regarding the implications of NCLB–AYP. For example, just recently the USDOE released specific guidance that has allowed further flexibility for the states regarding the 95% test participation rate and the testing of Limited English Proficiency (LEP) students. However, the Floyd County School system is still concerned regarding our special education students.

The Floyd County School system educates over 10,000 students; whereby, approximately 2000 students are receiving special educational services. Given the assessment requirements set forth by NCLB–AYP, one percent of our total test takers may take the Georgia Alternate Assessment (GAA) and not be penalized under NCLB–AYP. However, this percent equals approximately 100 students out of the 2000 students we serve in special education. More specifically, approximately 1900 special education students are expected to take a standardized assessment and pass on grade level.

As mentioned previously, the Floyd County School system believes that all students can learn and that we should be held accountable for the continuous progression of achievement for all students. For example, if a fifth grade student is being served under the Individuals with Disabilities Education Act (IDEA) and all previous cognitive assessments along with their Individualized Education Plan (IEP) reveal that the child is functioning on a third grade level, we believe this student should be tested on the third grade level. And, if the test results show a decline relative to previous year test scores regarding this student, then we should be held accountable. However, if the child's test results reveal that they have shown academic achievement from the previous year assessment results, albeit not quite at

grade level, we should be considered as fulfilling our obligation as educators; whereby, achievement for all students will progress year-after-year.

Considering all the aforementioned, the Office of Student Achievement (OSA) and the Georgia Department of Education (GDOE) are invaluable resources for the Floyd County School system as we attempt to determine further actions that we should take in regard to meeting NCLB–AYP requirements. We have found Dr. Martha R. Reichrath, OSA Executive Director, Mrs. Kathy Cox, State School Superintendent and their staffs to be cooperative, encouraging, and sensitive to our concerns about the well-being of all our students. We have asked many questions and posed many possible scenarios regarding potential problems with NCLB–AYP compliance. For the most part, the OSA and GDOE have always acted on our questions in a timely, courteous and professional manner. When hesitations have occurred with questions we have asked regarding NCLB–AYP, we do not believe that the OSA or GDOE have been negligent in responding to us. When hesitations have occurred, we believe the OSA and GDOE were waiting for forthcoming responses at the federal level.

The changes that NCLB–AYP have brought to our school system can at times be overwhelming and complex. Without the assistance of Dr. Reichrath, Mrs. Cox and their staffs, Floyd County School system would be struggling with legislation that we did not understand. The Floyd County School system truly believes that we and the entire state of Georgia, are in this "thing" together and for every day that we do not understand our role in implementing NCLB–AYP, is another day we lose toward providing appropriate achievement service to our students.

The Floyd County School system is confident that our system will be successful toward achieving NCLB–AYP. As previously mentioned, we believe in the foundation, structure and integrity regarding NCLB–AYP. In addition, NCLB–AYP has been a part of the process toward realigning our curriculum programs in order to meet systematically, the foundations and processes of this federal legislation. The Floyd County School system is excited and enthusiastic about the positive programs we have implemented for the purpose of improving the learning of all students.

The USDOE does an outstanding job of communicating changes and suggesting strategies for improvement regarding NCLB–AYP. They have listened to our concerns about NCLB–AYP and, when necessary, provided the needed flexibility and guidance toward achieving NCLB–AYP. In addition, the USDOE has provided a wealth of information to our local system relative to explaining and communicating NCLB–AYP to our learning communities. We could not have created our successful belief system and curriculum plan of action without the encouragement and support of the USDOE.

[Attachments to Dr. McDaniel's statement have been retained in the Committee's official files.]

Chairman BOEHNER. We thank all of our witnesses for your excellent testimony. And Ms. Cox, let me congratulate you and your predecessors here in the state of Georgia, because Georgia was doing much of what we asked for in No Child Left Behind long before No Child Left Behind was enacted. Georgia was one of the few states that took seriously the law that was written in 1994, the Elementary and Secondary Education Act, and its reauthorization that requires states to set standards of learning, to revise curriculum, to develop assessments, and we built No Child Left Behind on the foundation of the 1994 Act.

And for those states that were actively engaged in setting standards and assessing students, they were far ahead of where some states now find themselves. But Georgia has been a leader in this effort and I think all of us on the Committee and at the Department appreciate the relationship that we have had to be able to work through many of these issues. Because the concerns that get raised here and ideas that get raised here have been incorporated not only into the basic bill, but into some of the changes that we see.

Now in Washington, we do two things, we do public policy and unfortunately we do politics. And when it comes to the issue of funding No Child Left Behind, there has been an awful lot of politics. And with all due respect to my good friend from the Atlanta area, let us talk a little bit about funding No Child Left Behind. The commitment was made, and I was in the room as one of the authors of the bill, that there would be a significant increase in funding from the Federal Government to assist with the implementation of No Child Left Behind. And that is exactly what has happened.

In fiscal school year 2001, the Federal Government was spending about $24 billion a year implementing the elementary and secondary education programs. Last year we spent $34.6 billion, about a 40 percent increase in the major programs in No Child Left Behind, and I would suggest to you that we have met our commitment.

We always hear this talk about authorization levels versus appropriation levels. And I will just give you an example, in 1995 we had President Clinton—this is the 1995 fiscal year which would have been written in 1994, we had a Democrat in the White House, and we had a Democrat Congress and there was authorized $13 billion for elementary and secondary education programs, we actually we spent $10 billion. Authorization levels are maximum amounts to be spent in those years, not minimum amounts to be spent. There was no criticism of President Clinton, there was no criticism of the Congress in 1995 or any time during that period, because Congress was not authorizing it fully or it was not appropriating the fully authorized amount.

As a matter of fact, if you just want to look at Title I, during the 8 years of President Clinton, there was an additional $2.4 billion spent in Title I funding. President Bush exceeded that increase in 2 years with a $2.9 billion increase. I could go on and on.

How about IDEA grants to the states—an almost 300 percent increase over the last 9 years.

Let us just get it down to a local level. In 2001, the Federal Government sent Georgia about $390 million for its basic K-12 programs. Last year, we sent $640 million to Georgia to help with the implementation of No Child Left Behind. The point is, has there been a significant increase in Federal resources? There has. Do I believe the Federal Government has met its commitment to state and local schools for the funding of the No Child Left Behind? I will say yes. Could we spend more? Absolutely. Would the schools like more? Absolutely. Will we ever have as much money as we want? I will not and neither will our schools.

But I appreciate the excellent testimony.

Let me begin, Dr. McDaniel, with a basic question. What do you believe was the principal change that you had to make in your schools in order to meet the demands of educating every child?

Dr. MCDANIEL. Well, I really think it was an attitudinal change and adjustment. I truly do. And developing a belief system that across the county we share in the vision of our superintendent, I really believe that. We did in our county what we call an information blitz and we certainly went out to all internal and external stakeholders, community organizations, civic organizations

throughout our county and presented what was at the time brand new legislation, a state generated PowerPoint that we operated, and we educated our stakeholders about No Child Left Behind, AYP.

This year we offered choice in three of our public elementary schools that were Title I, which by the way I need to say last year all our Title I schools made AYP. We offered choice in three of those schools and only one parent in one of those schools out of about 2000 students took or evoked what we call choice. And it had nothing to do with the availability to chose another school, it happened to be a disagreement on an issue. So, I might say that child is back at that regular school. And I say that to answer your question, because I think it was through our education of our teachers, and our faculties, our staffs, our parents, our stakeholders that when we had a school that did not quite maybe meet the progress required with No Child Left Behind, they knew we were on the right track. And they knew what we were striving to achieve and they knew with our curriculum action plan, we had aligned our system to well meet the goals of No Child Left Behind. They had confidence in their schools.

Chairman BOEHNER. Well, I tend to agree that as I have done these hearings and meetings all across the nation, that the No. 1 change that is occurring in our successful schools is a change of attitude. That every child deserves a chance at a good education and the challenge of figuring out how to provide that education to that child. Let me also suggest that the other part of what you did by educating your community is I think another key to success, especially for low income children. Where the infrastructure at home and maybe the infrastructure in their neighborhood is not quite there, those child come to school with a great disadvantage especially to their more advantaged peers. And truly I think if we are going to succeed in educating every child, we need to build more infrastructure at home, getting their parents more involved in their education, we cannot rely totally on the schools to do everything here.

But I also believe that infrastructure in a community and whether it is boys clubs, girls clubs, after school programs that you referred to, the first tee program that uses golf as a way of teaching kids values, these types of programs and infrastructure need to be introduced. I think that can be a great asset, and a great assist in helping schools meet their challenges.

Let me talk a little bit about the requirement to have a highly qualified teacher in every classroom, and, Dr. Hickok, I think you can probably outline pretty briefly what the law requires and then discuss—you can talk about how Georgia is attempting to deal with it.

Dr. HICKOK. Well the law requires the obvious really, and that is that every student have as a teacher someone who has a combination of experience and qualifications that we call highly qualified. Undergraduate degree, teaching certificate, and demonstrated competency in the academic subject area that he or she is teaching. How that is carried out is really up to the state. The state is the entity that determines how to put meat on the bones of HQT. The challenge we confronted was in some areas current teachers, cur-

rent excellent teachers with years of outstanding service, do not at this moment satisfy the requirement of HQT as outlined in the law and as implemented at the state level.

In rural areas, for example, we have teachers who teach students from K through high school or they teach high school students everything from math to science to history, to English and they do not have a degree or have demonstrated, quote, competence in each one of those content areas. And so one of the things we did with the flexibility provisions was try to give those teachers working with the states more time to demonstrate their competence in the various areas they teach, especially if they are already highly qualified in at least one of those areas. The same can be said for middle school teachers across the country where many of them teach in various disciplines. Special education teachers I think represent still an ongoing challenge, because in this country I think it is fair to say most special education teachers were certified in special education, that is what they wanted to do, and frankly they deserve a great deal of credit for taking up that challenge.

But at the high school level if they are teaching in a regular classroom content area as well as special education. So, they are teaching special education students English, for example, at the high school level. Technically they have to demonstrate competence in the subject of English as well as special education, and that remains an ongoing challenge in how we are going to deal with that.

And Georgia could speak to this, Kathy could speak to this, those are the broad parameters of the law, there are distinctions both at the elementary, and middle as well as the high school level. But how a state takes the statute and makes it work in the state really is the product of state action.

Chairman BOEHNER. Ms. Cox, how is Georgia implementing the highly qualified teacher requirement?

Ms. COX. Well, we are well on our way and I want to also apologize that I cannot give you numbers and so forth. The Professional Standards Commission—and it is a separate entity from the Department of Education—has been handling certification for over a decade in Georgia and the director, Dr. F.D. Toth, is not here with us this day. But I will tell you what I know from working with him very closely over the last several months. We have a computerized house, which is the way the school systems can put data in to see if the teacher can met the definition. And that has been up and running in our state for our school systems over the last several months, and from my understanding the U.S. Department has complimented Georgia in how we have used our technology to make this accessible to our teachers and our personnel directors across our state, in a very timely manner. So, the good news is our districts have a very clear understanding of who meets the definition of highly qualified and who does not. And that is the first essential step.

Our problems right now in Georgia deal with the issue of the three things you just talked about—the middle school certification where the teacher may have a concentration but is asked maybe to teach two or three periods of social studies, or a period of science when their concentration in middle grades has been in English or something like that, due to staffing issues. So, that has been a

problem, our social studies certification is also a problem because currently in the State of Georgia most of the people who teach middle school and high school are broad field social studies certified. And they do not have a particular history, econ degree, and so therefore this broad field certification, where even if you had a particular focus, like in my case I was a social studies teacher but I had a degree in political science. Well, the concern is now I would not be able to teach world history even though I was certified because my degree was in political science. So, we are dealing with that issue but that one has been a tough one.

And the other issue about special education, Georgia like most states is not unique in this area where people are certified, but what we are doing in using No Child Left Behind and Highly Qualified, is not suggesting that we go back and just redo certification for special education but actually this we hope can drive the inclusion model. That actually what we hope will happen in the State of Georgia because of highly qualified, that we will be able to get many of our students in the upper grades out of the self-contained classroom. They will be put into a regular class with the highly qualified teacher with the special education teacher as the teacher support teacher and not the official teacher of record. That is a model that we know helps student achievement particularly in the content areas of science and math and we have, I am sorry to say, a horrible track record of achievement of our special education students in being able to pass our high school graduation tests in science and math and social studies currently. And we believe one of the biggest problems is the fact that due to the resource room and the fact that these kids have not been exposed to the same level of standards and the same high level of content, that then when they are asked to take that exit exam, they just have not been exposed to it.

So, we are actually using this highly qualified definition to drive inclusion and to say the way you do it is you got to get those kids in the regular ed. room. And that is going to benefit us tremendously.

Chairman BOEHNER. My time is up, I have over-used my time. Let me yield to Ms. Majette.

Ms. COX. OK.

Ms. MAJETTE. Thank you, Mr. Chairman, and let me thank all of the witnesses for being here today, and for being so engaged in this process of trying to do the best that we can for all of our children. And I want to say again to Ms. Cox, that I really have appreciated your willingness to sit down and talk about these issues. It is really and—Mr. Chairman, I know you will appreciate this—I believe and I know that Ms. Cox believes that this is not a partisan issue, our job is to do the best that we can for all of the children of this State of Georgia and for all the children of this country. And frankly, just because there was not sufficient funding earlier on in other administrations does not mean we should not rectify that problem now. And, Mr. Chairman, had I been in Congress during that period of time when the Clinton administration was proceeding, I would have been raising the same issues because I believe that the education of our children, all of our children, at the very beginning creates the foundation that we absolutely have to

have in order for us as a community and as a nation to achieve what we want to achieve. Everything hinges on each and every one of our children having access to the information, access to the resources that will allow them to be the leaders that we need them to be, as we are moving into the 21st century.

And so, it really is important that we are discussing these issues and I am glad that, Ms. Cox, in particular that we have been able to make some progress on some of the concerns you have had regarding the 95 percent and some of those other issues.

But let me shift for a moment and ask you, Dr. McDaniel, you talked about this issue of focusing on academic achievement beginning in sort of the later elementary school years and then the middle school years. And the issue of strengthening reading and math skills at that level. So, let me ask you your views on whether or not it would be important to focus resources earlier in the process, for us to put more funding into Head Start so that children will be able to be ready at an earlier age when they get to school so that they will not be left behind. Whether we should focus more on funding for art and music, because studies have shown that the exposure to that enables children to succeed and do better in math and science. And when we these challenges with respect to the budget and as Secretary Cox knows that is where things are cut out. We cut out programs for music and we reduce the level of funding for music and art, which really do have an impact on students' ability to succeed later in those other—in the math and science arena. Could I just have you comment on that?

Dr. MCDANIEL. Absolutely.

Ms. MAJETTE. Thank you.

Dr. MCDANIEL. I think your concerns are thought processes that Floyd County parallels with. We are one of some school systems—I am not sure how many in the State of Georgia—that participate in the Even Start Program. We have the Even Start Grant that basically look at children at birth up to the third grade and certainly with the parental component entwined with that gets these children ready for school. It is critical that, those primary years are certainly critical and our participation in the Even Start, our use of grant funding to make that happen is certainly—we are very proud that we have the program in Floyd County. I agree wholeheartedly on the art and music. In fact, to make sure that our inter-sessions were not too intense in the math and reading, language art, those curriculum areas that are measured with No Child Left Behind, we interspersed daily in our inter-sessions opportunities for children to participate in the art and in the music as well. Because we believe as I said earlier our children in Floyd County will be able to compete globally, but they are holistic learners they learn in a lot of different venues, they learn in a lot of different modalities. Art and music as just some examples of those modalities. So I agree with you, and certainly in Floyd County we noticed that, we recognized that, it has been part of our plan to make sure that the child even before they come to our school at Even Start at birth, one, 2 years old, that we are sending workers to the home to get these children and the parents ready for what we believe is going to be a successful education.

Ms. MAJETTE. And so you have been able to use the Even Start Program which allows parental involvement and having the parents be involved with their children to prepare them for school. You say the Even Start Program has been a great help to you?

Dr. MCDANIEL. Oh, absolutely, yes.

Ms. MAJETTE. So, I guess you are aware that in the Bush budget this year for 2005, they are terminating all the funding for the Even Start Program. How are you going to address that lack of funding at this point?

Dr. MCDANIEL. Ma'am, I am the director for school improvement for Floyd County Schools, I am not aware of that politically, that is certainly something that I am assured that we will address, as it is brought to our attention, if it even comes to my attention, but certainly in handling the Even Start Program right now today, it is an active part of our curricula, yes ma'am.

Ms. MAJETTE. I am glad to know that on the level on which you are operating, that the program has been successful for you and I hope that you will be able to continue to receive that Federal funding.

Dr. MCDANIEL. Thank you.

Ms. MAJETTE. Because under the budget as it is proposed right now it will not be there for that program. Thank you.

Chairman BOEHNER. The Chair recognizes the gentlemen from the 12th District, Mr. Burns.

Mr. BURNS. Thank you, Mr. Chairman, I appreciate the input from our witnesses and I really want to thank certainly Dr. Hickok for his presence here today. I would just like to make the audience aware that we have been very fortunate in the 12th. Secretary Rod Paige, was here last year down in Savannah, we spent some time in Chatham County and in Effingham County we met with our school superintendents from throughout the district as well as our university president, I appreciate that. So, Secretary Paige has been here and now Deputy Secretary Hickok is here to help us do a better job of implementing what I think is a landmark legislation for our nation.

I also want to thank this community, Augusta, Richmond County Schools Superintendent Charles Lark for his work, they have made great progress here, Superintendent Cox. Jeff Padgett is the president of the local school board, he has been very involved in the whole school system. I want you to know I visited three, actually four, outstanding schools in this community—C.T. Walker, I appreciate Ms. Paula Baker being here, she is the principal there, today a Georgia school of excellence in Richmond County, one of the inner city schools; a wonderful school, Johnson Magnet School, that received a great award, a national award achievement; and I want to especially recognize Lucy Laney High School. Now Lucy Laney High School is unique in the fact that it did not get an award but it improved SAT scores 100 points year to year, that is phenomenal. This is a wonderful school.

[Applause.]

Mr. BURNS. So, I want you to know that the people in Richmond County and Augusta are working hard to improve education here and I am delighted.

When we talk about change and we talk about implementing a new approach toward education, it is refreshing to hear the input of Dr. McDaniel and your willingness to be innovative in the way you organize and deliver and plan a calendar. How difficult, Dr. McDaniel, was that for your community to embrace, both the teachers and the administration and maybe the students and parents?

Dr. MCDANIEL. Well, it was difficult, sir, when we called it year round.

[Laughter.]

Mr. BURNS. Wrong term.

Dr. MCDANIEL. So sometimes the terminology can be everything. And once we went to the modified calendar phrase, it started to be accepted at very, very high levels. Certainly there was some apprehension from our communities in the beginning and not just with the education internally of their child. But with other children and siblings in the family, about day care and some of the other things and other variables that we certainly took into account as we set up the plan and parents certainly rose and asked about. But in our first year of implementation and we have done three—we have done two inter-sessions, one we have received our qualitative feedback, our survey, our questionnaire that went to the teacher, students, and parents that basically and just very briefly says what do you think of inter-session, there was 10 or 11 coupled in questions.

And we have spent time looking at those results and disseminating between the parents and our teachers, and our community their thoughts on inter-session. And overall qualitatively with a lot of intervening variables that have taken place with this survey that we have not overlooked, the remarks are very, very positive. And the reaction to change in the beginning is that we wanted to educate the community No Child Left Behind, new modified calendar, some of the curriculum change, not all at once but in a very slow process. No Child Left Behind, two or 3 years it has been around and we are now implementing our modified calendar. So, we took the time one, 2 years, to educate our community that we had a good thorough knowledge of why we were doing the modified calendar. Not that it was just kind of a thing that we wanted to do, but theoretically we had a framework where we were heading in our vision. And certainly our superintendent did a wonderful job in sharing that.

Oh, yeah, concerns arose but they were addressed and answered and I think because of our ability to certainly have what we might say our ducks in a row, regarding the modified calendar and questions that we might receive from our external stakeholders, we were able to answer those questions very, very quickly if we were in a public colloquium at a meeting and a parent had a question we answered it immediately. So, it certainly brought a lot of easement to our parents as we, you know, kind of stepped outside of the box to do a modified calendar.

Mr. BURNS. I appreciate what Floyd County is doing. I want to say that I have seen that also in Clarke County Georgia, but not on a system wide basis, at an individual school basis. I will tell you my home county of Screven is going to a modified calendar this coming year and it is going to be a change for our rural school sys-

tem. But I think it is going to really help us as we move forward in that area.

I want to shift gears for a second. You know, when Superintendent Cox was talking about the challenges that you faced I would like maybe for Dr. Hickok and Ms. Cox to respond. When I had Secretary Paige down here and we were meeting and these issues of attendance came up, these issues of special education came up, these issues of disaggregated data and the need to ensure that every child in every subgroup indeed had an opportunity to be successful. Again, Dr. Hickok, sometimes people I think misperceive the department's desire to work with the states. You addressed the issue that we are not moving backward we are moving forward. Is that a fair statement as far as flexibility, as far as dealing with these unique issues from teacher qualified, you know, the qualifications for teachers and how we identify those, but also from saying Georgia, tell us your problems and let us see if can find a way to work that out, is that a fair assessment?

Dr. HICKOK. Obviously I think as we were beginning the process of implementation, the regulations were written, they were published. As the state plans were beginning to be developed at the state level, we invited delegations from every state. Georgia came with Kathy Cox, who was brand new to her job, by the way. With their best technical experts in accountability they came to the department. I think 47 states took us up on the invitation for what we called conversations without consequences, behind doors, candid give and take, to make sure that the people in the Department of Education gained an appreciation for how a state gets to where it is, and how a state's challenge needs to be met, and how we can help. I think that was a transformative conversation for the Department, we learned something about all the different states. We learned that some school districts in Maine are on islands miles out in the Atlantic Ocean—talk about a rural school district. We learned of the challenges every state has. And then of course we went to the states with teams on accountability as they did their plans, so from day one the goal here has been to create not a compliance mentality but a partnership.

Now it has been a difficult partnership at times, some of these conversations are pretty candid, pretty tough. But the one thing that has been in place the whole time is this mutual commitment to this over-arching goal. And those conversations continue. Ms. Cox has sent to the Department of Education recommendations to amend their accountability plan. I think as a matter of fact, 47 states have done that as well. And our job now is to sit down with her and her leadership and decide how best to accomplish what is best for Georgia within the letter and the spirit of the law.

So flexibility is not just a term, it is sort of a mindset. Dr. McDaniel mentioned that the biggest ingredient in change has been attitude. I think two things go to support that attitude, our attitude is flexibility and partnership and ownership. He has demonstrated, she has demonstrated, people all over this county have demonstrated a sense of ownership of this issue, and the attitude to get it done, and flexibility at the national level needs to be a big part of that.

Mr. BURNS. Superintendent Cox, as you work with not only the Department of Education, but with our local school districts, do you feel that we are getting the kind of cooperative partnership that we are going to have to have to be successful?

Ms. COX. Oh, absolutely, absolutely. And from conversations in person, to willingness of Departmental officials to come and visit Georgia, to also an awful lot of phone calls to staff that know us by first name. And always again, much as you feel you are getting support from us, we feel as a state department when we have a burning issue and we have a real concern, we are able to pick up the phone and get an answer, and that has been tremendously helpful.

Just an example, we had a school system that had Title I money that was left over that was specifically identified and they wanted to be able to figure out a way to carry it over or possibly get an extension on when that money ran out. Because they understand the rules of that and what they have to do to use up that money. Well, they had called me to figure out what they could do and of course the letter of the law, you know, says you cannot get an extension. So they wanted to have us call Washington and see if that—so we did, we called Washington and they said, no we cannot grant an extension on that.

So then I had an opportunity to be in Washington, a couple of weeks ago where I had a face-to-face conversation with some of the staff of Ray Simon, who then when we presented the problem he said, they are right you cannot get an extension but he said have you thought about this. Have you though about turning that money over possibly over to a regional education service agency and then they can use that money to contract with the teacher. Well, all of a sudden we had a solution, we are following the law we are not doing, but we had flexibility and we were able then to call that school system and give them a solution to the problem.

And that is the kind of service we are getting and it is because they are not only service-oriented, but I will also say they have got an awful lot of smart people working up there that are helping us. So it has been very positive.

If I could just take a moment and say too with all candor, a lot of the issues that Georgia faced with this first year of implementation was unfortunately some of our own doing, some of our own making, some of the controversy and chaos that we have experienced as a state within the education circles. That was complicating many of the issues that these local school systems then had to face with No Child Left Behind. Again through no fault of their own, we had a testing debacle last year that I think probably took us off the radar screen. I know other states are experiencing some problems with testing, and Michigan might argue with me about debacles. But we inherited—my administration, we inherited such a mess with a contract with testing, with problems with the technical aspects of the testing, we had to cancel tests last year. I mean it was just horrible and that all affected our school systems' ability to do and get ready and get the data they needed. So, you know the Federal department has worked with us through all of that to make sure that we still could be in compliance and so forth.

So, I really—you know, what my job has been is to try to get our infrastructure at the state level and our leadership at the state level in place to help districts do what they need to do for this law. And I feel—thank you for the compliments too, because I feel we have been rather successful in that effort. We still have some issues with the collection of data we are going to be working on as well, so that that task is not so onerous on our local systems particularly in this era of state budget cuts. We recognize that getting all the information we need to make these determinations can be quite cumbersome so we are working again to fix that.

It is hard, it is just—this is a lot of hard work and I am just so happy that across this state what we have got are these dedicated educators who understand that this is crucial for Georgia. This is absolutely crucial because if we are ever, ever, ever going to get serious about the problems we have had in education, a 40 percent dropout rate that still plagues us, a low achievement on the SAT, the fact that we have many students who try to graduate from high school in special education but then cannot get that coveted diploma. I mean these issues that have been with us for decade after decade, and we realize that this law is that lever that we have needed for so long to get us up over that next hill, and to see our kids achieve.

And I will say it this way I spoke to a superintendent who shall remain nameless, but he said to me he said, as hard as this had been and as tough as this is, he said this law No Child Left Behind has allowed for me to do for kids what local politics in the past would have never let me do. So that is why we have to just stay the course and keep working and see where the problems are, because they are going to continue to pop up and then figure out solutions. And again, I will just add to—I said this in our board meeting, I was fortunate to be in Washington and enjoy the cherry blossoms and took my kids to the Air and Space Museum and you know as I listen at our board meeting to some of our problems that we are encountering as we try to revise our curriculum and how are we going to train teachers, and how are we going to do this, and how are we going to that. I was just thinking about all that stuff I saw in the Air and Space Museum, I said, you know, if we as Americans can do what we have done here, I know we as Georgians can figure out how we are going to educate all kids. I just know we are. Thank you.

Mr. BURNS. Thank you. I just want to shift gears for just a second, you were talking about Head Start. We re-authorized Head Start last year in the Congress, in the House, it has not moved to the Senate. But Georgia enjoys a very positive pre-K and fully funded K program. We need to begin partnering Head Start with education. And I think one of the things I would like maybe you to respond to, Superintendent Cox and perhaps Dr. McDaniels, is how can we more effectively bring Head Start and education together in Georgia.

Ms. COX. Well, I think the first step has been our own Governor kind of reorganizing state resources and programs in something he is calling Bright from the Start where he is attempting to do just what you are talking about. Connect our preschool program with the other efforts that have been going on both at the state and Fed-

eral level. Early learning initiative, we had something called Jelly, as well as the Head Start Program. And pulling these together for a more effective comprehensive approach to the zero through 5 years. We also with Even Start whatever happens in the future with that program, we recognize too that it makes sense for that Even Start Program that works in those same years to be coupled with our very successful pre-K program in the Office of School Readiness.

So whatever happens in the future of Even Start, they are going to be more connected to our preschool program as well as to the Department of Education. So that we can have more cohesiveness across the board and a better approach instead of just the piecemeal.

Mr. BURNS. How does that work, Dr. McDaniel, in Floyd County, the Head Start—and let me say I was in an Even Start Program in Athens, Georgia last week. They do a wonderful job, it is a wonderful combination of GED for the potentially adult learner, to prepare the parent to be a good mentor and supporter of their child's education. It provides excellent support for the children in those early years and I think my good colleague from Georgia, Ms. Majette, recognizes that there is a lot of discussion between what the administration may propose and what the Congress may ultimately come to an agreement on. I just want to say that Head Start in Floyd County, how effectively can you partner with that program?

Dr. MCDANIEL. I am going to tell you we have a powerful program with Even Start. We partnered with Coosa Valley Technical College, they supply the building, we supply what we call the family learning center. We look at students who are enrolled in some of our higher deprivation schools, we look at those students to see if they have siblings. We are out in the communities talking, we have resource coordinators that that is their job. They locate at-risk parents and young children that might benefit attending the family learning center. Coosa Valley couples that with opportunities to get into some post secondary work for these parents. A lot of these parents will come and work on their GED while their younger child, two to 3 years old, is in the trailer learning skills getting ready for pre-K. Then they come together and they do pat time and they have experiences together and we go to their homes and we have visits. We help them medically, so it is powerful, the relationships that we are building, that I know in the future is going to pay dividends in Floyd County.

So our partnerships there with that program are very strong. And we have partnered with other community entities in Floyd County to make sure that this program strives and to make sure that we are addressing the needs of our at risk parents and students. I hope that answered your question.

Mr. BURNS. I have far exceeded my time. Thank you, Mr. Chairman.

Chairman BOEHNER. I yield to Ms. Majette.

Ms. MAJETTE. Thank you, Mr. Chairman. And I do agree with Congressman Burns that it is important to have that kind of collaboration and in fact with the re-authorization of the Head Start Program that was passed in the House, that is one of the really

good components of it, that it encourages and increases the opportunity for that kind of collaboration. And it helps us use resources in a more effective way. But the other part of it is again the issue of funding, and after 39 years of the Head Start program operating and with all the studies showing that it has been the most successful Federal program in terms of helping our children be ready to go to school and to be able to be successes, here in Georgia alone we have over 100,000 children who are eligible for the Head Start Program who are not receiving those services, those comprehensive services that will allow them to be ready to go to school and not be left behind once they are there.

And so again this is a very serious issue with respect to the funding and as Superintendent Cox pointed out we are still having a really serious budget crunch, budget crisis here in Georgia. And so, Dr. Hickok my question is addressed to you, because although we are looking at different programs, as John Lewis likes to say, even through we came over on different ships we are all in the same boat now. So the Federal funding that is available, if it is going to one program, it may not be available for another. So with respect to No Child Left Behind, do you really feel at this point that the funding is sufficient to meet the needs of Georgia to able to implement the program particularly with respect to training teachers; and the other part of that question is what about the funding for Head Start so we can continue to serve and expand the services that these over 100,000 children in Georgia alone need to be able to be ready to go to that next step?

Dr. MCDANIEL. Certainly I—the debate over funding is a debate that started long before No Child Left Behind and I fear will go on long after I leave my term of service.

Ms. MAJETTE. Absolutely, and mine as well. We are on the same page on that, I acknowledge that.

Dr. MCDANIEL. But I am convinced, I really am convinced, and it is born more of my experience as a state chief honestly and as a school board member, than my job now. That the American taxpayer, whether it be Federal taxpayer dollars or state and local taxpayer dollars, is extremely generous, as they need to be with regard to education. We just past a milestone in this country, over $500 billion on K-12, that is much more than we spend on national defense in a time of war. I will echo the comment of the Chairman; is it enough? Probably not. And I have never met a school board member, including myself when I was one, or a state chief, including myself when I was one, that said, please no more money. So, I think we have to be realistic about that. But I do think the money is there, I think there is adequate funding for No Child Left Behind.

I think what we need to do, it goes with this attitude shift that we have been talking about. We need to stop talking about amounts of spending and start investing or keeping an investment mentality.

When you talk about spending, the fact is you always talk about how much do you have to spend. When you adopt an investment mentality, there is a nuance there. It is not just how much you have to spend but what kind of yield do you get on the investment. And you begin to think about not just the money but the dividend.

And I think that is what No Child Left Behind is all about. It really is about focusing on results as well as investments. So, I think—I do think, that we spend an adequate amount of money and we will continue to have increases, I am sure.

And I think on Head Start, and I am no expert on Head Start, but I think as well while Head Start has a reputation well-deserved as being one of the great successes of the great society legislation years, the fact is that was a long time ago as well, and we need to emphasize more in Head Start on early child education as well as development. Because Head Start, while it is good, probably could be a whole lot better as well, just as we have been talking about with public schools.

Ms. MAJETTE. Well, I agree with you that it could be better, but the fact of the matter is it is not just about education, Head Start is not just about education, it provides the comprehensive services that are needed so that a child can learn. And what I am talking about is to be able to have the vision screening so that you can figure out that a child needs glasses when he is 3 years old so when he goes to school he can read the blackboard. To have the medical screening and the vaccinations that are required at all of those different levels. And, frankly, in terms of your analysis of investments, I agree with you, but let me share with you some information regarding studies that have shown how well the Head Start Program works. Since it is targeted for people who cannot afford some of the things that need be in place before they go to school. The Head Start Program utilizes funds in a very effective way. It only costs $18 a day to have a child participate in the Head Start program, to get the vision and the dental screening and the interaction with other children, the preparatory things that will help that child succeed, as well as helping their parents help the child. So that $18 a day that we spend on each child or we do not spend on each child in the Head Start Program really will return dividends or require us to spend more money on the back end.

And in my county, I represent DeKalb County, which has 98,000 students in the DeKalb County Schools System and the most diverse school system in the entire state of Georgia. So with the $18 a day you can cover those children that need to be covered under the Head Start Program. Now in my county, we also have the largest jail in the southeast, the DeKalb County Jail and I check with the sheriff periodically, and the last time I checked a couple of weeks ago it cost $52 a day to feed and clothe and house and keep an inmate in the DeKalb County Jail.

I am a former state court judge and I stay in constant contact with my juvenile court judge friends. And it costs up to a $170 a day to keep a child in juvenile custody, in juvenile detention. So while we are failing to make the investment, that $18 a day for these 100,000 children who are eligible for the Head Start Program, we are going to pay for it and we do pay for it on the back end, by keeping them in juvenile centers having them retained and incarcerated and studies have shown—I am going to make the link here for you—studies have shown that a child who participates in the Head Start Program is five times less likely to be incarcerated, to be jailed, than a child who does not participate in the Head Start Program.

So, when you are looking at the dollars and where that investment ought to be made for our children and for our entire community, to me it seems pretty obvious. Now that I have explained the number to you, I hope that you will agree that making the investment on the front end, perhaps redirecting some resources that are available for other programs, perhaps even non-educational programs, making that investment in our children and our community on the front end will pay us huge dividends on the back end. Being able to have children in rural communities have the dental screening, have all of the tools that they will need so they will not be left behind when they get to school will enable that rural community to grow and prosper.

And one of the ways that will happen is that companies, businesses, will look to locate in places where you have good school systems, in places where you will have a well educated, well trained work force. And so that is going to bring those resources to those communities that will help that community to grow and prosper.

I guess now that I have explained all that to you, do you have a different perspective on the importance on making the investment on the front end as opposed to paying for it on the back end.

Dr. HICKOK. I think we agree completely on the importance on investing in the front end. That is in essence what Reading First, Early Reading First, the Head Start proposal that has been passed by the House, what No Child Left Behind is all about. The debate is about the size of the investment and the relative yield of the investment, but I think we definitely agree. I can give you chapter and verse of how making sure students can read at an early age can have transformative benefits not just in terms of dollars and cents, but in terms of students' lives. So I think we agree, the debate is over the amount and then how best to strategically invest that amount.

Ms. MAJETTE. Well, the challenge that we face here in Georgia is that we have over 100,000, at least over 100,000 children in which we are not able to make that investment and so the question still remains, how are we going to take care of that immediate need, and do we recognize the importance of dealing with that need for the future of our communities and the future of our country.

And I suppose that is just a rhetorical question that we will leave open unless you want to respond again. Thank you.

Chairman BOEHNER. The Chair recognizes Mr. Burns for a quick follow up and then we will conclude.

Mr. BURNS. Yeah, just a quick follow up. I would like to just remind the audience and my good friend from Georgia that Head Start is a Health and Human Services program, it is not a Department of Education Program. And the Head Start Program unfortunately is not well coordinated across our nation with education. So that in Head Start, we go from the Federal level to the local level and we bypass the state and we bypass the educational environment. And I think there may be some overlap, certainly we have many opportunities within Head Start to do things other than education, but education should be a key component of that. And we are always talking about priorities, you know whether we are talking about Even Start or we are talking about Early Reading First, whether we are talking about No Child Left Behind. I think that

all of those things have to be balanced, we have to find a reasonable balance for that.

Last question perhaps, maybe for Superintendent Cox, we are as you say, we are in the middle of—it is a good Georgia term, we are fixing to. We are beginning the process of annual evaluation. CRCT—I was in Athens, Georgia last week at Fourth Street Elementary School to help encourage those children to excel. I was in Nevills, Georgia yesterday at Nevills Elementary School. Now I want maybe for you to give me some input on is as Georgia tests its students, what kind of pressure are we putting on our third graders, and what kind of pressure are we putting on teachers and our schools and is that something that we can work effectively with to ensure success?

Ms. COX. I have heard some rumbling from the folks that are experiencing the pressure. My pressure is not done yet because we have got to—our pressure now is once they give the tests and wrap them up and ship them off, we have promised results within 2 weeks of them doing that. So, the pressure will be on me in just a few weeks, but for now there is pressure, and I think it depends upon the attitude. Everywhere I go, when I have visited schools this year, this is a true statement, when I walk into a classroom whether it is because I am going to teach that day or because I am just going to pop in and say hey, I ask the kids I say, you know you have got this big test coming up and this was even in the fall. And it does not matter where I go, those kids holler out CRCT. They know it, and it does not matter whether it is first grade, eighth grade, whichever. So they know that so this is, the importance of how the students perform on this test has been clearly communicated.

There is pressure on teachers, some teachers will tell you that from their perspective because I think they have probably entered teaching in an era where we did not stress standardized tests and we did not have that kind of—that it is an uncomfortable pressure, but they understand it, but you know, there is some fear. Because we did not give a full battery of tests last year, we were only—due to our debacle, we were only able to administer Reading, Language Arts and Math to fourth, sixth, and eighth grade. So, this year with the full battery of tests, with AYP determinations, you know, there is a lot of pressure.

The third graders, again, and I think it all depends on who you talk to, I think there is some genuine concern on the part of parents that I have talked to where they know their child has struggled with reading in third grade. But they also know that there has been tremendous resources. All year, those teachers have known which kids came to them not quite as prepared and they knew that this was coming and they have focused on those learners. We were able this year to provide a practice online CRCT test, and I do not just mean the questions pop up, I mean fully automated where the kids can take the test online, the results come back immediately to the teacher. They can get instant feedback on the areas of strength and weaknesses for the students. We have had over one million testlets being used in our school system since February 1st, to get ready for CRCT. And if I were to dig down in the data, I

would guarantee the majority of that grade level would be those third graders. So there has been tremendous focus.

And I guess when it comes to pressure because this is going to be the first year of this policy, we just will not know, we are unsure because we did not test our third graders last year. We know that 20 percent of our fourth graders did not perform at grade level proficiency in reading. The year before that when we were able to give the third grade assessment in reading 17 percent of our kids. And if you look at the last year we gave it to the second and first graders, those kids were even stronger in reading. So we are very hopeful and optimistic that the numbers are going to be quite less than that 20 percent we saw in fourth grade last year.

But, I think what people are feeling and experiencing is the mixture of excitement because they have worked so hard and they are anxious, fear of the unknown because this is all new, and AYP determination that will be coming out for the second year in a row, and for our non-Title I schools this will be the year that any consequences can happen. So I think it creates the sense of urgency and depending upon—and it does depend, because everywhere I have gone they know that sense of urgency, they understand the pressure. But they are out there getting it on, because sometimes our best work is done when we are under pressure. And school systems have focused, they have prioritized and they understand what is at stake. And they understand it is not just for them, but that it is for those students. So I do not think from what I have seen that it is something that is going to be detrimental. And I think as we progress and we understand what is coming and we do not have this fear of the unknown because it is not the first time we have done it, the anxiety levels in all of this will be reduced more and more as we go along.

Mr. BURNS. I certainly wish you well, and thank you for your efforts and thank the state.

Ms. COX. Thank you.

Mr. BURNS. Mr. Chairman.

Chairman BOEHNER. Let me thank our excellent witnesses for your testimony and your willingness to answer questions and help us assess how it is going here. And thank all of you who have come today to our hearing. At this point the hearing is concluded.

[Whereupon, at 11:56 a.m., the Committee was adjourned.]

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