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NO CHILD LEFT BEHIND: SUPPLEMENTAL TUTORING FOR CHILDREN IN UNDER-ACHIEVING SCHOOLS

HEARING

BEFORE THE

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

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NO CHILD LEFT BEHIND: SUPPLEMENTAL TUTORING FOR CHILDREN IN UNDERACHIEVING SCHOOLS

Tuesday, April 26, 2005
U.S. House of Representatives
Committee on Education and the Workforce
Washington, DC

The committee met, pursuant to call, at 1:30 p.m., in room 2175, Rayburn House Office Building, Hon. John A. Boehner (chairman of the committee) presiding.

Present: Representatives Boehner, Castle, Biggert, Osborne, Kline, McMorris, Price, Boustany, Miller, Kildee, Woolsey, Tierney, Davis of California, McCollum, Davis of Illinois and Van Hollen.

Staff Present: Kevin Frank, Professional Staff Member; Lucy House, Legislative Assistant; Melanie Looney, Professional Staff Member; Sally Lovejoy, Director of Education and Human Resources Policy; Alexa Marrero, Press Secretary; Krisann Pearce, Deputy Director of Education and Human Resources Policy; Deborah L. Samantar, Committee Clerk/Intern Coordinator; Alice Cain, Minority Legislative Associate/Education; Lloyd Horwich, Minority Legislative Associate/Education; Ricardo Martinez, Minority Legislative Associate/Education; Alex Nock, Legislative Associate/Education; and Joe Novotny, Legislative Associate/Education.

Chairman BOEHNER. The Committee on Education and the Workforce will come to order. We are holding this hearing today to hear testimony on No Child Left Behind: Supplemental Tutoring for Children in Underachieving Schools. Under the committee rules, opening statements are limited to the chairman and Ranking Member. So if there are other Members who have statements, they will be included in the hearing record. And with that, I ask unanimous consent that the hearing record remain open for 14 days to allow Member statements and other material referenced during the 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

Chairman BOEHNER. Parental choice in education is one of the pillars of the No Child Left Behind Act. And I believe all parents, regardless of race, income or status, should have the right to choose where they believe are the best possible schools for their

children. I believe it is particularly essential that we give this right to parents of children who would otherwise be trapped in chronically underachieving schools.

Congress has taken two important steps toward this goal under President Bush. Last year we created the bipartisan D.C. School choice program, creating the first federally funded school choice program in the country. And in April 2002, No Child Left Behind was signed into law.

No Child Left Behind not only provides parents with access to information, but also guarantees parents the right to do something with that information when it is clear that the schools their children are attending are not getting the job done. Low-income parents with children in public schools identified as in need of improvement for 2 or more consecutive years must be provided the opportunity to obtain supplemental education services such as private tutoring paid for with their children's share of Federal Title I funds. Parents with children in schools identified as in need of improvement for 1 year or more are given the right to transfer their children to better-performing public or charter schools provided one is available.

Private tutoring has proved to be the far more popular of the two options amongst parents. This is not a surprise because the public school provision—school choice provisions in No Child Left Behind are compromised. And when you offer parents a limited choice, you are going to get a mixed response. When you offer parents the full range of options, I think you are going to get a better response. We are seeing that right now in the District of Columbia where the Washington Post recently reported that parental demand for the new D.C. School choice scholarships has outnumbered the supply by two to one.

Similarly, No Child Left Behind's tutoring provisions present parents with a full range of options when it comes to obtaining supplemental educational services from quality providers. Private providers, including faith-based providers, are eligible to provide tutoring services, and the response from parents has been considerable, even despite evidence some districts are wrongly limiting the range of options available to parents or failing to provide parents with adequate notice about their rights.

During the No Child Left Behind legislative process, some legislators, including this one, wanted the supplemental services option to kick in immediately for parents as soon as the school was identified by its State as in need of improvement. Some of us also believed that the law should specify that school districts identified under No Child Left Behind as underachieving or needing improvement should not be permitted to serve as tutoring providers. Supplemental educational services are meant to provide a supplement for the education of children and not—and for those not receiving it from underachieving school districts as those districts work to improve.

We ended up with something that was a vast improvement over previous law, but didn't go quite as far as we would have liked, at least not as far as I would have like. We passed a law that required tutoring options only for disadvantaged children in schools designated by their States as in need of improvement for 2 or more

consecutive years. The law also effectively left it to the U.S. Secretary of Education to determine whether an underachieving school district could provide supplemental services to its students. While the Secretary has implemented regulations that prohibit a district identified as in need of improvement from serving as a tutoring provider, some districts have challenged that regulation.

When Congress revisits No Child Left Behind at some point in the future, we will—we won't set in stone when—there will be heavy pressure from interest groups that want changes that would weaken the accountability system at the heart of this bipartisan education reform law, and my hope is that Congress will continue to resist the temptation to make such shortsighted changes and will improve on the law by addressing both of these issues as part of any reauthorization process.

Last, while public schools have a responsibility to children, parents and taxpayers, private tutoring providers do, too. Many in the tutoring industry have voluntarily adopted quality standards to ensure that the principles of No Child Left Behind are honored, and I applaud the industry for taking these steps. I also expect Secretary Spellings at the Department of Education will soon be providing further guidance on this topic.

My hope is that the Department's forthcoming guidance will provide appropriate safeguards for children and taxpayers without stepping on States rights or discouraging quality providers from offering their services to disadvantaged children.

With that, I would like to say thanks to the witnesses for being here today and would yield to my friend and colleague from California Mr. Miller.

[The prepared statement of Chairman Boehner follows:]

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

Parental choice in education is one of the pillars of the No Child Left Behind Act.

I believe all parents, regardless of race, income, or status, should have the right to choose what they believe are the best possible schools for their children. I believe it's particularly essential that we give this right to the parents of children who would otherwise be trapped in chronically underachieving public schools.

Congress has taken two important steps toward this goal under President Bush. Last year, we created the bipartisan D.C. school choice program, creating the first federally-funded school choice program in the country. And in 2002, the No Child Left Behind Act was signed into law.

No Child Left Behind not only provides parents with access to information, but also guarantees parents the right to do something with that information when it is clear the schools their children attend are not getting the job done. Low-income parents with children in public schools identified as needing improvement for two or more consecutive years must be provided the opportunity to obtain supplemental educational services such as private tutoring, paid for with their children's share of federal Title I funds. Parents with children in schools identified as needing improvement for one year or more are given the right to transfer their children to better-performing public or charter schools, provided one is available.

Private tutoring has proved to be the far more popular of the two options among parents. This is not a surprise, because the public school choice provisions in No Child Left Behind are a compromise. When you offer parents a limited choice, you're going to get a mixed response. When you offer parents the full range of options, you're going to get a better response. We're seeing that right now in the District of Columbia, where the Washington Post recently reported that parental demand for the new D.C. choice scholarships is outnumbering the supply by 2 to 1.

Similarly, No Child Left Behind's tutoring provisions present parents with the full range of options when it comes to obtaining supplemental educational services from quality providers. Private providers, including faith-based providers, are eligible to

provide tutoring services—and the response from parents has been considerable, even despite evidence some districts are wrongly limiting the range of options available to parents, or failing to provide parents with adequate notice about their rights.

During the No Child Left Behind legislative process, some legislators, including this one, wanted the supplemental services options to kick in immediately for parents, as soon as a school was identified by its state as needing improvement. Some of us also believed the law should specify that school districts identified under No Child Left Behind as underachieving or needing improvement should not be permitted to serve as tutoring providers. Supplemental educational services are meant to provide a supplement for the education children are not receiving from underachieving school districts, as those districts work to improve.

We ended up with something that was a vast improvement over previous law, but didn't go quite as far as we would have liked. We passed a law that required tutoring options only for disadvantaged children in schools designated by their states as needing improvement for two or more consecutive years. The law also effectively left it to the U.S. Secretary of Education to determine whether an underachieving school district could provide supplemental services to its students. While the Secretary has implemented regulations that prohibit a district identified as in need of improvement from serving as a tutoring provider, some districts have challenged that regulation.

When Congress revisits No Child Left Behind in 2007, there will be heavy pressure from lobbying groups that want changes that would weaken the accountability system at the heart of this bipartisan education reform law. My hope is that Congress will continue to resist the temptation to make such short-sighted changes, and will improve on the law by addressing both of these issues as part of any reauthorization package.

[Lastly, while public schools have a responsibility to children, parents, and taxpayers, private tutoring providers do too. Many in the tutoring industry have voluntarily adopted quality standards to ensure the principles of No Child Left Behind are honored. I applaud the industry for taking these steps. I also expect that Secretary Spellings and the Department of Education will soon be providing further guidance on this topic. My hope is that the Department's forthcoming guidance will provide appropriate safeguards for children and taxpayers without stepping on states' rights or discouraging quality providers from offering their services to disadvantaged children.]

With that, I'd like to welcome the witnesses who have joined us today, and I would turn to the senior Democratic member, Mr. Miller, for any opening statement he may wish to make.

STATEMENT OF HON. GEORGE MILLER, RANKING MEMBER, COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. MILLER. Thank you, Mr. Chairman. Thank you for calling this hearing. I think this hearing is terribly important and timely as we look at the question of not only the issue of supplemental services right now, but what is going to happen in the future with these services as they become more in demand. And I thank you for the panelists you have assembled.

No Child Left Behind takes important steps to ensure that low-income children have access to after-school tutoring that their middle- and high-income peers have always had. Our witnesses today have a range of experience in this area, and I am eager to hear their perspectives on implementation of the No Child Left Behind supplemental educational services provisions to date, particularly with the thoughts of how Congress and the Department of Education can and should be doing to make sure that children are consistently getting high-quality services.

I recently spent 2 days in Chicago meeting with teachers, principals, parents and district administrators about their reform over the past decade. Their progress is real, substantial and very encouraging. And I want to thank them for sending Ms. Swanson today to share her experiences with this provision of the goal.

A key goal of No Child Left Behind is to eliminate the achievement gap among low-income and minority children. For years we didn't want to talk about the kids at the bottom. Now we are talking, and while it is getting heated at times, overall it has been a healthy debate, and it is leading to important changes.

One way the law tries to address the achievement gap is through what is often falsely and in sort of a bizarre fashion referred to as a sanction; the idea that you would offer these tutoring and supplemental services is somehow viewed as a sanction by many within the educational accomplishment. I would consider and I think the parents have demonstrated that they consider this an added benefit for their children, the opportunity to participate in ongoing after-school tutoring to improve their academic achievement.

No Child Left Behind gives low-income parents the ability to choose from among a range of approved providers for their children. I am concerned, however, that all too often parents are being offered providers that are not necessarily effective or appropriate because the States do not live up to their monitoring and oversight responsibilities. I am concerned that the Department of Education is encouraging States to err on the side of offering many choices at the expense of ensuring high-quality choices.

I am also concerned that parents of children with disabilities and limited English proficiencies are not being given the same choices as other parents due to the Department of Education's regulation that seems to prohibit school districts in need of improvement from continuing the supplemental service providers except for students of disabilities and LEP students. While school districts may be uniquely suited to continue these services, it is worth asking why these parents shouldn't have more choices like other parents do. The law itself does not prohibit districts from continuing as providers for all children, and they have proven and have often reached more children at lower costs with the same teachers. This is a regulatory problem, and a practical effect of this legislation is that a provider who is not deemed to be suitable for all students due to the quality concerns is deemed to be acceptable for students with disabilities and English learners. I hope the Department will rethink their regulations on this.

Finally, I am concerned about the reports of inducements such as parents being given free computers, discount coupons, signing bonuses in exchange for selecting certain providers for their children. This bill was designed to provide competition. It was designed to provide for entrepreneurship. It was designed to provide for the private sector to participate in the education of these children and the nonprofits and others outlined in the bill. It was not designed for a lot of suede-shoe operators to come in and offer programs that aren't tested, that have no history of effectiveness, and are providing inducements to parents to get them to select that particular program. And many of these are now coming out of the woodwork and preying on parents and putting undue and inappropriate pressure on them to select providers that may not be the most qualified or the best suited to tutor their children.

I am very interested in the thoughts of our witnesses how we can assure that we provide these children the high-quality providers that are approved by the State. A number of my colleagues, I am

including Representatives Kildee, Woolsey, Andrews, McCollum, recently requested a GAO investigation as to how States are implementing supplemental service provisions. This includes a look at the steps that the States are taking or not taking to ensure that approved providers are offering high-quality services, how academic content is being taught by supplemental service providers in alliance with the district and the State standards and the curriculum, because, again, we are starting to get a significant number of complaints that the supplemental providers have little to do with the curriculum that the children are being taught and the impact of supplemental services on student achievement.

I think these are important questions. I am delighted that my colleagues joined in asking these questions of the GAO because they are very important when we are envisioning, as many have suggested, that this may be a $2 billion expenditure of funds. We have to know the effectiveness of these programs and the quality of these programs.

And with that, Mr. Chairman, I look forward to the testimony of the witnesses and thank you again for calling this hearing.

Chairman BOEHNER. Thank you, Mr. Miller.

[The prepared statement of Mr. Miller follows:]

Statement of Hon. George Miller, Ranking Member, Committee on Education and the Workforce

Good morning. I would like to thank Chairman Boehner for calling this hearing. I'm looking forward to today's hearing because it focuses on implementation of an important NCLB provision: supplemental educational services.

No Child Left Behind takes important steps to ensure that low-income children have access to the after school tutoring that their middle and high-income peers have always had.

Our witnesses have a range of experiences in this area and I am eager to hear their perspectives on implementation of NCLB's supplemental education services provisions to date, particularly their thoughts on what Congress and the Department of Education can and should be doing to make sure that children are consistently getting high-quality services.

I recently spent two days in Chicago meeting with teachers, principals and parents about the reforms there over the past decade. Their progress is real, substantial, and very encouraging. I congratulate them for their progress and am particularly interested in hearing from the representative from Chicago Public Schools about their experience with this provision of the law.

A key goal of NCLB, which I know all of us share, is to eliminate the achievement gap among low-income and minority children. For years we didn't want to talk about kids at the bottom. Now we are and, while it can get heated at times, overall it's been healthy and it's leading to important changes.

One way the law tries to address the achievement gap is through what is often falsely referred to as a "sanction"—but what I consider to be an added benefit to low-income children: the opportunity to participate in ongoing after school tutoring to improve their academic achievement.

While the intent of this provision is good, recent reports on the Department of Education's implementation of this provision are troubling.

We hear a lot about the importance of NCLB's disaggregated data empowering parents across the country. Something we hear less about is the power NCLB gives low-income parents to choose from among a range of approved providers for their children. I am concerned, however, that all too often parents are being offered providers that are not necessarily effective or appropriate when states do not live up to their monitoring and oversight responsibilities. I am concerned that the Department of Education is encouraging states to err on the side of offering many choices at the expense of ensuring quality choices.

I am also concerned that parents of children with disabilities and children with Limited English Proficiency are not being given the same choices as their peers due to the Department of Education's regulation that prohibits LEAs "in need of improvement" from continuing as supplemental service providers.

A fundamental problem with this policy is that it is inconsistent and unfair to students with disabilities and students with Limited English Proficiency (LEP) because LEAs "in need of improvement" do continue to provide these services to these children, as necessary. The practical effect of this regulation is that a provider that is not deemed suitable for all students due to quality concerns is deemed acceptable for students with disabilities and LEP students. The law itself does not prohibit districts from continuing as providers for all children, and they have proven they can often reach more children at a lower cost with the same teachers. I hope the Department will re-think its regulations on this.

Finally, I am very concerned about reports of inducements—such as parents being given free computers, discount coupons, or signing bonuses—in exchange for selecting certain providers for their children. Suede-shoe operators are coming out of the woodwork and, in some cases, preying on parents and putting undue and inappropriate pressure on them to select providers that may not be the most qualified or best suited to tutor their children. I am very interested in the thoughts of the witnesses as to how we can ensure that only high-quality providers are approved.

A number of my colleagues and I—including Representatives Kildee, Woolsey, Andrews, and McCollum—recently requested a GAO investigation of how states are implementing NCLB's supplemental educational services provisions. This includes a look at steps states are taking—or not taking—to ensure that approved providers are offering high-quality services, how academic content being taught by supplemental service providers aligns with district and state standards and curriculum, and the impact of supplemental education services on student achievement.

Finally, I believe the best thing Congress could do to help fulfill the promise of NCLB is to fully fund the law at the level we and the President promised when it was enacted. To date we are $39 billion short, and this shortfall impacts schools across the board, including, I would assume, the capacity of states to monitor the quality of supplemental education service providers. While I have never suggested that improving education is only about money, but we cannot and will not get there without it.

Thank you Mr. Chairman.

Chairman BOEHNER. We have a distinguished panel of witnesses here today, and to introduce our first witness, the Chair would recognize the gentleman from Louisiana Mr. Boustany.

Mr. BOUSTANY. Thank you, Mr. Chairman. I am very pleased to introduce Donna Nola-Ganey, the assistant superintendent of the Louisiana Department of Education Office of School and Community Support. Ms. Ganey has served in an administrative capacity in the department of education for over 20 years and also has served as a teacher in the East Baton Rouge Parish school system. Her current responsibilities include administration of the division of nutrition assistance; the division of family, career and technical education; the division of school and community support. Some of the program areas under her direction are nutrition; health; after-school/migrant education; Title IV Safe and Drug-Free Schools and Communities; and most relevant to this hearing, supplemental educational services.

Ms. Nola-Ganey has received both her bachelor's degree and master's degree from Louisiana State University, and I am honored to introduce such a distinguished individual from our great State of Louisiana Ms. Donna Nola-Ganey.

Chairman BOEHNER. I will introduce the other three panelists, and then we will proceed.

Our second witness today will be Mr. Kevin Teasley. Mr. Teasley founded the nonprofit GEO Foundation in 1998 upon the belief that all children should have access to a quality education. And through its outreach in programs, the GEO Foundation strives to make educational choice a reality by empowering families in the creation of new options. In implementing that notion, the GEO foundation has

been approved by Indiana as a supplemental educational services provider and currently providing services in Indianapolis Public Schools and Gary Public Schools.

We will then hear from Jeffrey Cohen. Mr. Cohen is president of Catapult Learning, formerly Sylvan Educational Solutions, the Nation's leading provider of instructional and support services to schools and school districts. At the beginning of the 2003–2004 school year, Catapult Learning was approved as a supplemental educational services provider in 31 States. And while at Sylvan, Mr. Cohen also established the Sylvan Learning Foundation, the best practices in K through 12 and higher education, and served as the foundation's executive director.

Then we will hear from Ms. Beth Swanson. Ms. Swanson serves as the director of the Office of After-School and Community School Programs for the Chicago Public Schools. In this capacity Ms. Swanson helps to ensure there is a diverse offering of high-quality programs available to Chicago public school students outside of their regular school day, including seven major after-school initiatives. She is also appointed to or is serving on the State Leadership Team, the Illinois After-School Partnership, the After-School Task Force, and Renaissance of 2010, an education support group.

So you all know about the time line. You get 5 minutes. You need a little more, don't get nervous, just take it. We are pretty nice here.

With that, Ms. Nola-Ganey, you may begin.

STATEMENT OF DONNA NOLA-GANEY, ASSISTANT SUPERINTENDENT, OFFICE OF SCHOOL AND COMMUNITY IMPROVEMENT, LOUISIANA DEPARTMENT OF EDUCATION, BATON ROUGE, LA

Ms. NOLA-GANEY. Thank you, Mr. Chairman and members of the committee. It is an honor to be here to have the opportunity to tell you about Louisiana's supplemental educational services program. I am going to get right into the presentation. I believe we have a PowerPoint, or we did have a PowerPoint—there it is. Thank you.

I would like to focus on three areas: Our monitoring and oversight of SES at the State level, including our Web-based student tracking and reporting system that we call STARS; our planned evaluation; and a few recommendations for other States.

Currently Louisiana has 26 SES providers on our State-approved list. Forty-five schools in five school districts are required to offer SES, with 40 of those 45 schools in New Orleans. We are serving 3,700 students currently in SES.

Now, Mr. Miller, a great deal of effort goes into our selection of the providers in Louisiana. We take extra steps to ensure that only quality providers are included on the State-approved list. And in the testimony that I have provided, I have listed ways that we have done that.

As far as our monitoring process, we make at least two site visits a year to the providers, using our monitoring instrument that we developed to document program compliance. Additionally, both the State and the district have the ability to monitor student attendance and progress daily through our on-line data system, and because of this we are able to target providers for technical assistance

to ensure that students are getting the best possible tutoring services.

Let me tell you a little bit about our student tracking system. As we, like many other States, struggle to implement SES, our Web-based student tracking and reporting system has proven to be a great benefit. We can tell which students receive a service and how much of it they receive. We use the STARS data tracking with two other of our after-school programs that we administer. Therefore, the program's development costs were shared, and it was affordable for us to do this, providers' input, student attendance and contact hours, and they use the system to invoice districts for services rendered. So as a result, the State and the district have 24/7 access to the information.

All the STARS is completely Web-based. It provides the highest level of security possible, and it is housed on a secure——

Mr. MILLER. When you say it is Web-based, is this a system you designed, or are you using a larger Web-based system?

Ms. NOLA-GANEY. We designed it with a contractor.

The STARS is completely web-based, but it provides the highest level of security possible, and it is housed on a secure SQL server along with a copy of our statewide student information system. And because Louisiana has a student information system for all public school students in kindergarten through 12th grade, we are able to match the STARS data with the student information data to be able to validate that students are, in fact, SES services in eligible Title I schools. And we have safety checks built in as well, so that students can't be enrolled in multiple programs scheduled for the same day and the same time.

And let me just show you a few slides of our screens for the STARS system. This is our enrollment screen, and this is the first step for providers to enter into the system. And then the session calendar, each provider has a calendar that can be accessed, and you click on the class day and the time, and you will be able to see which student is scheduled by each provider.

And then this is the provider's monthly billing report. This report is automatically generated from the attendance and contact hours that are entered by the providers. And this is the main reason providers don't complain about having to input the data, because they benefit from having the billing forms automatically generated.

And you can see the many reports that are available, from the class roster to the student retention reports. But probably of all these reports up here, the most useful, especially for the State, is the program statistics report. With this report, you can't see it clearly up there, I apologize, but this report compiles all the program information on each provider, and it allows the State to look what is going on with each provider on a daily basis, and that allows us to do targeted assistance with each of the providers who are not meeting their goals.

Quickly, the evaluation system. We have contracted with Dr. Steve Ross from the Center For Research in Education Policy to do a formal comprehensive evaluation of the program in Louisiana. Because of our data system, we will be able to measure students' gains by matching students who participated in the program with our State test data. We don't have to rely on the providers to just

give us their pre-post data. We can actually match State data with the students who participate in the program. Hopefully we are going to be able to have a better understanding of how many hours of tutoring it takes to increase student achievement.

Also included in the evaluation design is to look at students in a school who participated in SES versus the students in the same school who didn't participate in SES. And Dr. Ross is working with our data people to try to get that information all the way down to the classroom level. And then also we have surveys of teachers, parents and principals included in the evaluation design.

Some key recommendations for States. I was asked to give you a few key recommendations, and one is—the only one I am going to talk about from the list is we recommend that a student tracking system be implemented in States. It is critical in order to get a handle on the daily operations of what is going on with the service providers.

What we are learning. Finally I would like to tell you what we are learning as we work diligently to implement this part of the No Child Left Behind Act. Attendance in these programs is a major challenge, but even more so are the completion rates of students. Part of the problem is lack of parents' involvement or understanding of the importance of these services. So the State may need to step in and help make the community aware of the program so that more parents will take advantage of it.

This year the department of education conducted a campaign in New Orleans. We had billboards, radio spots, cable car signs and flyers plastered all over the community. We reached out to the faith-based community to help us get the word out. They talked to parents from the pulpit. We did have a significant increase in the enrollment in New Orleans, but it was not nearly enough. There are 18,000 students who qualify in New Orleans alone, and statewide we only serve 3,700. We continue to try to make SES in Louisiana help to increase student achievement.

And with that, here is my contact information, and we are more than willing to share with you or any other State. Thank you.

[The prepared statement of Ms. Nola-Ganey follows:]

Statement of Donna Nola–Ganey, Assistant Superintendent, Office of School and Community Improvement, Louisiana Department of Education, Baton Rouge, LA

Louisiana is one among many states working diligently to meet and, if possible, exceed the expectations set forth by the NCLB Act. The Louisiana Department of Education is proud of its progressive implementation of effective and meaningful Supplemental Educational Services (SES). Currently, there are 26 Supplemental Education Services providers in Louisiana, servicing 46 schools and nearly 3,700 students.

In brief, here is a description of how Louisiana tracks and monitors Supplemental Education Services.

Using a rigorous selection process, the Louisiana Department of Education has a follow-up meeting face-to-face or a telephone interview with all applicants before final recommendations are sent to the Board of Elementary and Secondary Education. The RFP requires that applicants have a design for an Individual Learning Plan, along with measurement of individual student progress, pre- and post- assessments using CRTs or NRTs, a strong connection between assessment and instruction, and a strong connection between instruction and standards. The interview allows us to make certain that high scoring applicants can validate their program design and capacity to serve students. Applicants apply to become "fully approved" or "new and emerging providers." New and emerging providers have limited evidence

of effectiveness in providing similar academic services to students. New and emerging providers also have a cap on enrollment of 200 students served per school year; however, the fully approved provider meets all requirements for providing high quality SES, and their enrollment is unlimited.

Approved providers as well as district personnel are required to attend department-sponsored workshops to become familiar with state expectations relative to supplemental education services, assessment, the state's web-based data tracking system, and state monitoring guidelines for compliance with NCLB.

Each supplemental education provider is officially monitored on site at least two times a year, with technical assistance offered by the department on an as-needed basis, in addition to occasional unannounced visits.

A department monitoring instrument is used to document the programmatic compliance of a provider's service as it relates to the tutoring model initially approved by the state. If the program is able to adequately demonstrate that it is following the guidelines approved by the state and is fulfilling the promise of sound targeted remediation, the provider is deemed to be "in compliance," and a letter from the State Superintendent of Education indicating such is sent to the provider, accompanied by a copy of the completed monitoring instrument.

In the event a provider is not meeting the state's guidelines for an effective supplemental education provider, the program is then deemed "out of compliance." The State Superintendent of Education sends a letter articulating the program's deficiencies to the provider, copied to the district superintendent, requesting a "plan of action" to correct the deficiencies be submitted to the department in no more than 30 days from the receipt of the letter.

All Supplemental Education Service providers are required to maintain program data, including class sessions, student attendance, academic progress on pre- and post- assessments, and basic student demographic information using a web-based Student Tracking and Reporting System, referred to as "STARS." Louisiana Department of Education staff is able to regularly monitor a provider's usage of STARS, ensuring the provider is entering and maintaining vital student data in a timely manner.

At the beginning of the 2004–2005 school year, Louisiana Department of Education staff set up statewide, one-day training sessions to introduce STARS to state-approved providers and district-level personnel. Subsequent to these one-day training sessions, department staff provided technical assistance by phone, site visits, and scheduled one-on-one sessions. A Help Desk is also available if problems arise.

The STARS database system was developed in response to the need to systematically qualify and quantify the various interventions provided outside of the regular school day, while at the same time assisting providers, schools, and the state to manage and evaluate programs.

Once a provider has been "set up" in STARS by the state administrator, the provider is able to establish and define sites, create sessions (classes), enroll students, and generate forms. A site-level user can only enter and maintain attendance, modify attendance calendars, and generate pre-designated forms relative to his/her specific site.

The "sessions" created by a provider are based upon the days and times of service, with "safety checks" built in so that students cannot be enrolled in multiple programs scheduled for the same day and time. SES providers select from a menu that includes math, reading, or language arts, and they have fields to record pre- and post-tests.

Once the sessions are created, they are populated with students drawn from the Louisiana Department of Education's Student Information System, also known as "SIS," which is loaded into the same server housing STARS. Attendance and class rosters are automatically created in the STARS student database once a session is populated.

STARS is currently used to track individual students served through Supplemental Education Services, Teen Pregnancy Prevention, and after school programs funded by the Office of School and Community Support. By identifying unique subgroups of students by the services and interventions they receive, the department can then match state test files, dropout data, retentions, special needs status, and other individual student information to measure impacts. Because many of the technical aspects of matching individual student data are "behind the screens," student privacy is protected.

Currently, the Louisiana Department of Education uses STARS to collect and organize student enrollment and attendance data by district, school, provider, hours of service, average daily attendance, program completion, pre- and post–SES scores, free/reduced lunch status, and demographics. Once a provider has been "set up" in STARS, the provider is able to establish and define sites, create classes or sessions,

enroll students, and generate forms. A site-level user can only enter and maintain attendance, modify attendance calendars, and generate pre-designated forms relative to his/her specific site.

The "sessions" created by a provider are based upon the days and times of service, with "safety checks" built in so that students cannot be enrolled in multiple programs scheduled for the same day and time. SES providers select from a menu that includes math, reading, or language arts.

Once the sessions are created, they are populated with students drawn from the Louisiana Department of Education's Student Information System, also known as "SIS." Attendance and class rosters are automatically created in the database once a session is populated.

Because STARS was designed from the start to be a tool for the different stakeholders, monthly billing forms include an alphabetical listing of students by name and school, a complete attendance record for each student for the billing period, and the remaining per pupil allocation (PPA). With these documents, districts as well as providers with multiple sites can oversee the activity and effort put forth at each site and by each program.

On a more basic level, STARS affords providers a user-friendly medium with which to track enrollment and attendance and which, with a click of the mouse, generates the monthly billing invoice to be submitted to the districts.

The Department of Education or a state-level administrator enters the initial information about a provider and the individual contract into STARS.

Although STARS is completely web-based, it provides the highest level of security possible and is housed on a secure SQL server along with a copy of the statewide Student Information System.

The Louisiana Department of Education purposely assumed an instrumental role in the database design not with the motive of creating a reporting instrument to make the department's job easier, but rather with the specific intent to create a tool for providers with safety checks for districts. Consequently, the department has a database that is extremely rational and practical, highly utilized, and protective of individual student information.

The STARS database comes very close to providing an ideal, single reporting system that meets the individual needs of providers, schools, districts and the state.

Chairman BOEHNER. Mr. Teasley.

STATEMENT OF KEVIN TEASLEY, FOUNDER AND PRESIDENT, GEO FOUNDATION, INDIANAPOLIS, IN

Mr. TEASLEY. Thank you for having me, Chairman. I was very impressed with that presentation and what I heard, but that is not what you asked me to come here and talk about. Chairman Boehner and Ranking Member Miller and Members of Congress, thank you for this opportunity to provide testimony to you regarding the important issue of supplemental education services. I am humbled by your invitation to speak today and hope that my comments provide you some valuable input to help you form future policy recommendations and laws.

GEO Foundation is a nonprofit organization based in Indianapolis, Indiana. It was founded in 1998. Today GEO has four main programs. We have operated a charter school in Indianapolis for the past 3 years, and we are scheduled to open three more charter schools this fall: An additional one in Indianapolis, one in Gary, Indiana, and one in Colorado Springs. We also operate a Charter School Service Center to assist in the success of all charter schools in the State of Indiana.

In addition, we are a recipient of a U.S. Department of Education grant, Parent Information and Resource Center grant, that provides us the opportunity to engage and educate parents in the understanding of their rights and opportunities afforded them under No Child Left Behind. The PIRC grant is centered on the Indianap-

olis area. We do similar work in Gary and in Colorado with an additional grant we received from the U.S. Department of Education.

Last and most important to this afternoon's discussion, we are an Indiana-approved supplemental education service provider and currently operate in Indianapolis and Gary. Our program takes students where they are and focuses on getting their reading and math skills up to where they need to be. We charge the districts $18 per hour per student. In Indianapolis, we can provide 80 hours of service to each eligible child. That is 2 hours a week for 40 weeks, basically a school year. We believe that it is important to offer sustained tutoring services over a period of time if the students are to retain lessons learned. Our students have improved their reading and math skills by an average of 5 months academically after just 9 weeks, or 36 hours, in our program. One student recently told his grandmother that he, quote, didn't feel stupid anymore after he completed our tutoring program.

One key lesson that we have learned by providing SES is that needing a tutor isn't enough to attract a student. Effective marketing counts. Even though there are more than—and I want to correct my written testimony, I wrote 6,000 students in IPS who need tutoring. That is 6,000 students who are eligible for the first part, the public school choice component of NCLB. They are in year one. It is 1,200 students who are eligible for tutoring in year two or more. It isn't enough to say you are a State-qualified provider and that your service is free to the student and expect students to come. You must be aggressive in your marketing. You not only must attend the school night SES affairs, you must constantly follow up with students and their parents to find out why they didn't show up at their scheduled time, and they need to constantly be aware that other providers are trying to attract their students to go with them.

We have lost several students to other providers because other providers give incentives, such as gift certificates to their students. To date, we have not provided incentives other than the guarantee that you will learn and improve grades. However, in a recent conversation I had with IPS, Indianapolis Public School system, I believe we will begin to provide some incentive package to students for completing a percentage and/or all of the program hours we provide. IPS liked what we are doing, and they want students to use our program, but they are aware that other providers are using incentives to attract students.

GEO is currently seeking a grant to support its tutoring program and recently received the attached letter, which I submitted in the testimony, from IPS recommending our tutoring program. Although GEO believes that learning and improved grades should be enough motivation, we have learned that perhaps small, reasonable incentives for improved academic achievement may keep students in the program for longer periods of time, leading to increased gains for both the student, school and district. The States may want to consider having a written policy, what type of timing of incentives may be used in a particular State so that providers in districts know the rules up front.

At GEO, we primarily use a certified and licensed teacher to provide our services. We augment our certified teachers with qualified

and trained college students, who assist the teachers in providing services, in working with the students. Our program focuses on improving reading and math skills.

For background purposes, I thought it may be useful for Members of Congress to understand the process which we have to go through to get to the point of actually providing services to the students. First we must apply to the State to be a qualified provider. This application process took place in the spring, it does every year, and allows you to start providing services in the following fall. Once you are approved, you then need to work with the local districts to make sure they include you in their outreach efforts and sign a contract with the local district where the services are to be rendered. In Indianapolis, we had to sign a purchase order even though we had not yet started to provide services. The district needed to budget accordingly, so they said they needed a purchase order. We worked with them to get this done, and this process went rather smoothly. We then provided information to the district, and they mailed information packets to all SES providers, to all eligible students. They hosted parents nights at schools, and we attended each of these.

To get paid for services rendered, the district requires four signatures, one by the principal, the teacher, the parent and the student, on a contract detailing the services to be provided. Then we must turn in time sheets signed by the students, teachers, principals and parents. These are good policies and should lead to effective rendering of services. I would encourage schools to use these same policies during the provision of their programs during the day.

One concern I have about the SES program is that it doesn't really matter how many hours of tutoring an SES program provides to students. The district simply states that each student is worth X amount of dollars. In Indianapolis, the district has set an available amount of funds for tutoring at the rate of about $1,400 per student. The district does not set limits on the per-hour rate that can be charged. So one SES program may charge $100 an hour, while another, like us, may charge $18 an hour. In this example, the first SES provider will only provide 14 hours of service and receive $1,400 in return. The second provider will provide 80 hours of service for the same amount of money. The first provider will get in and out quickly. The second will be in for quite a bit longer period of time. And while we believe being in for a long time has advantages, it also has its challenges, as students move to other providers, move out of the district or just drop out of the program altogether.

The States may want to consider adding as part of its approval process a required range of hours to be provided. Having a range of hours ensures a minimum number of hours are provided to these students, while allowing for variation among providers and delivery methods.

As for the issue of "needing improvement" districts providing SES programs, such districts face many challenges and constraints in bringing up their schools' academic achievement. Last year I visited a group of principals in Gary, Indiana, with a team from the U.S. Department of Education, to review their implementation of SES programs and was struck by the fact that the principals were

embracing the after-school program because it was so effective. But when asked if they had instituted the effective program in their daily and regular school program, they said no. When asked why not, they said, the district. The fact is SES is helping good programs get to students. That is the good news. The bad news is that the good programs are not being used during the day at school when it is most needed.

If these needs improvement school districts want to make a change, it likely would be more effective to adopt some of the successful math and reading programs that are used in the SES programs during the school day rather than taking on the additional time and burden of operating their own SES program. In our experience in Indianapolis, our close partnership in collaboration with the district means that the district can focus on the core academics during the school day, and we can focus on the after-school instruction leading to a more effective use of both organizations' resources, and hopefully in time improved academic achievement throughout the district.

With that, Mr. Chairman, I am happy to respond to any questions that you or any member of the committee may have.

Chairman BOEHNER. Thank you.

[The prepared statement of Mr. Teasley follows:]

Statement of Kevin Teasley, Founder and President, GEO Foundation, Indianapolis, IN

Chairman Boehner, Ranking Member Miller, and Members of Congress, thank you for this opportunity to provide testimony to you regarding the important issue of supplemental education services. I am humbled by your invitation to speak today and hope that my comments provide you some valuable input to help form your future policy recommendations and laws.

GEO Foundation is a non-profit organization based in Indianapolis, Indiana. It was founded in 1998. Today, GEO Foundation has four main programs. We have operated a charter school in Indianapolis for the past three years and we are scheduled to open three more charter schools this fall—one in Gary, an additional one in Indianapolis, and one in Colorado Springs. We also operate a Charter School Service Center to assist in the success of all charter schools in Indiana.

In addition, we are a recipient of a U.S. Department of Education Parent Information and Resource Center grant that provides us the opportunity to engage and educate parents in the understanding of their rights and opportunities afforded them under NCLB. The PIRC grant work is centered on the Indianapolis area. We do similar work in Gary and Colorado with an additional grant we received from the U.S. Department of Education.

Lastly, and most importantly to this afternoon's discussion, we are an Indiana approved supplemental education service provider in the state of Indiana and currently operate in Indianapolis and Gary.

Our program takes students where they are and focuses on getting their reading and math skills up to where they need to be. We charge $18 per hour. In Indianapolis, we can provide 80 hours of service to each eligible child—that is two hours per week for 40 weeks. We believe that it is important to offer sustained tutoring services over a period of time if students are to retain lessons learned. Our students have improved their reading and math skills by an average of five months academically after just nine weeks or 36 hours in our program. One student recently told his grandmother that he "didn't feel stupid anymore" after he completed our tutoring program.

One key lesson that we have learned by providing SES program is that needing a tutor isn't enough to attract a student, effective marketing counts. Even though there are more than 6,000 students in IPS who need tutoring, it isn't enough to simply say you are a state-qualified provider, that your service is free to the student, and expect students to come. You must be aggressive in your marketing. You not only must attend the school night SES fairs, you must constantly follow up with students and their parents to find out why they didn't show up at their scheduled time, and you need to constantly be aware that other providers are trying to attract

your students to go with them. We have lost several students to other providers because other providers give "incentives" such as gift certificates to their students. To date, we have not provided incentives other than the guarantee that you will learn and improve your grades. However, in a recent conversation I had with IPS, I believe we will begin to provide some incentive package to students for completing a percentage and/or all of the program hours we provide. IPS likes what we are doing and they want students to use our program but they are aware that other providers are using incentives to attract students. GEO is currently seeking a grant to support its tutoring program and recently received the attached letter of recommendation from IPS.

Although GEO believes that learning and improved grades should be enough motivation, we have learned that perhaps small, reasonable incentives for sustained attendance or improved academic achievement may keep students in the program for longer periods of time leading to increased gains for both the student, school and district. The States may want to consider having in place a written policy of what type and timing of incentives may be used in a particular State so that providers and districts know the rules up front.

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For background purposes, it may be useful for members of Congress to understand the process which we have to go through to get to the point of providing services to students. First, we must apply to the state to be a qualified provider. This application process takes place in the spring of each year and allows you to start providing services in the following fall. Once you are approved, you then need to work with the local districts to make sure they include you in their outreach efforts and sign a contract with the local district for services to be rendered. In Indianapolis, we had to sign a purchase order even though we had not yet started to provide services. The district needed to budget accordingly so they said they needed a purchase order. We worked with them to get this done. This process went smoothly.

We then provided information to the district and they mailed information packets with all SES provider information to all eligible students. They hosted parent nights at schools, too. We attended each of these.

To get paid for services rendered, the district requires four signatures—one by the principal, the teacher, the parent and student—on a contract detailing the services to be provided. Then we must turn in time sheets signed by students, teachers, principals and parents. These are good policies and should lead to effective rendering of services. I would encourage schools to use these same policies during the provision of their programs during the school day.

One concern I have about the SES program is that it doesn't really matter how many hours of tutoring an SES program provides to students. The district simply states that each student is worth x amount of dollars. In Indianapolis, the district has set an available amount of funds for tutoring at the rate of about $1400 per student. The district does not set limits on the per hour rate that can be charged so one SES program may charge $100 per hour of tutoring while another may provide tutoring for $18 per hour like we do. In this example, the first SES provider will only provide 14 hours of service and receive $1400 in return. The second provider will provide 80 hours of service for the same amount of money. The first provider will get in and out quickly, the second will be in for quite a bit longer period of time. And, while we believe being in for a long time has advantages, it also has its challenges as students move to other providers, move out of the district, or just drop out of the program altogether. The States may want to consider adding as part of its approval process a required range of hours to be provided. Having a range of hours ensures a minimum number of hours are provided to these students, while allowing for variation among providers and delivery methods.

As for the issue of "needing improvement" districts providing SES programs, such districts face many challenges and constraints in bringing up their schools academic achievement. For example, last year, I visited a group of principals in Gary with a team from the U.S. Department of Education to review their implementation of SES programs and was struck by the fact that the principals were embracing the after school tutoring program because it was so effective but when asked if they had instituted the "effective" program in their daily and regular school program they said no. When asked why not, they said, "the district." The fact is SES is helping good programs get to students. That is the good news. The bad news is that the good programs are not being used during the day at school when it is most needed.

If these "needs improvement school districts" want to make a change, it would likely be more effective to adopt some of the successful math and reading programs

that are used in the SES programs during the school day rather than taking on the additional time and burden of operating their own SES program. In our experience in Indianapolis, our close partnership and collaboration with the district means that the district can focus on the core academics during the school day, and we can focus on the after school instruction leading to a more effective use of both organization's resources and hopefully in time improved academic achievement throughout the district.

With that Mr. Chairman, I am happy to respond to any questions you or other Members of the Committee may have. Thank you.

[An attachment to Mr. Teasley's statement follows:]

April 10, 2005

To Whom It May Concern:

The GEO Foundation. has served the Indianapolis Public Schools as a reliable and conscientious provider of Supplemental Educational Services for our students.

In my work with GEO Foundation representatives, I have found them to display the highest level of cooperation, integrity and professionalism. The GEO Foundation staff members have maintained a collaborative partnership with the Indianapolis Public Schools Supplemental Educational Services staff as well as with our parents and students.

GEO Foundation provides an intense instructional program while focusing on tutoring that is centered on the student's present academic level in language arts and mathematics. GEO Foundation provides a resource that is invaluable to our students and their families.

Sincerely,

Carrie Reinking
Supplemental Educational Services Liaison
Indianapolis Public Schools
120 E. Walnut St.
Indianapolis, IN 46204

Chairman BOEHNER. Mr. Cohen.

STATEMENT OF JEFFREY COHEN, PRESIDENT, CATAPULT LEARNING, INC., BALTIMORE, MD

Mr. COHEN. Thank you, Chairman Boehner and Ranking Member Miller and members of the committee, for inviting me here today. I am honored to be part of this important discussion about the supplemental education services provision of the No Child Left Behind Act.

Catapult Learning is a subsidiary of Baltimore-based Educate, Inc., and a sister company to Sylvan Learning Center, the largest network of retail tutoring centers in the country. For more than 15 years, Catapult has partnered with schools and school districts to provide high-quality, research-based supplemental instruction to at-risk students. As a true public-private partnership, we customize our broad suite of services from after-school instruction to special education to meet the needs of our school district partners. This school year we will provide services to more than 100,000 students in more than 150 school districts.

The SES provisions of the No Child Left Behind Act were established with bipartisan support to offer additional assistance to students who attend a Title I school that has not made adequate yearly progress for 3 consecutive years. The intent of the provisions is to provide immediate interim educational help to low-income children who attend underachieving schools.

SES is working for hundreds of thousands of students across the country. Students like Graciana Nascimento, a seventh-grader at

Esek Hopkins School in Providence, Rhode Island. Graciana went from an F to a B-plus in reading on her report card last year after receiving free tutoring, tutoring her mother Delfina could not afford. Both Graciana and her mother credit the SES program as a catalyst for her improvement.

We believe these programs have the potential to transform children's lives, to put them back on track educationally, to get them excited about learning and to instill the confidence that anything is possible.

While some view SES as an experiment in public education, it is important to be clear about the hypothesis we believe is being questioned. At question should not be the efficacy of research-based tutoring as an effective method for supplementing a student's education. Indeed individualized and/or small-group instruction has been used effectively for decades to help students increase achievement. What is being tested is whether providing low-income families the opportunity to choose the tutoring program that best meets the needs of their children will help offset the impact of low-performing schools.

According to the Department of Education, approximately 218,000 students participated in SES programs during the 2003–2004 school year, an increase of more than 100 percent over the prior year. Unfortunately, there are many districts where participation is virtually nonexistent, and student participation in SES nationwide is clearly muted by a variety of challenges facing States, districts and providers. For instance, districts grapple with issues such as determining student eligibility, administering parent communications, managing access to school sites and contracting with multiple providers. States cite as our biggest challenge determining whether the services of providers are effective in raising student achievement, and providers often contend with seemingly unnecessary obstacles, including direct opposition to SES, lack of information about implementation plans and LEA regulation of State-approved programs.

Over the past 3 years, we have experienced many of these challenges firsthand. We have seen parent notification letters that are impossible to decipher. We have seen multipart registration processes that seem to delay registration rather than encouraging it, and we have been prohibited from talking to school districts and school principals and parents. While we are hopeful that these practices will diminish, there is no doubt that such practices have prevented thousands of low-income families from participating in the free after-school tutoring programs that they are entitled to by law. Alternatively, experience shows that when States, districts and providers collectively embrace SES, the result is thriving student participation, diversity of choice for parents and positive outcomes.

The reluctance we are facing is easy to understand, but it is difficult to accept. SES is ground-breaking for public education because it established a competitive marketplace where competition, innovation, investment, successes and even failures are playing out. As a result, low-income parents are becoming educational consumers for the first time in their lives. These parents who do not have the means to move to suburban school districts or pay for pri-

vate school tuition now have the power to make a purchasing decision that will impact their children's education. There is every reason to believe that these new education consumers will act as all consumers do, valuing quality, service and results above all else.

As with all education reform, change takes time, and all involved must weather both successes and failures. The potential of SES programs is exciting, and the last thing we need is a rush to judgment based on anecdotes and scarce data. If SES programs prove unsuccessful, then they should be changed, but it is too early to make that determination. And if we modify this great public-private opportunity, let us do it for the right reason and not simply because it poses a threat to the status quo.

It was 40 years ago this month that the Elementary and Secondary Education Act was signed into law creating the Title I program. Since then, we have spent more than $175 billion in an effort to close the achievement gap. Regardless of one's feeling about SES or No Child Left Behind, there is certainly consensus that the gap is still too large, high school dropout rates are too high, and we must accelerate our attempts to address these challenges. Last year it is estimated that a little more than 2 percent of Title I funds were spent to support SES programs, a relatively meager investment with the potential for a strong return.

The most vexing problem surrounding SES implementation is the lack of consensus around the evaluation of program effectiveness. We, along with all State-approved providers, welcome full accountability for the results of SES programs. We believe there are several accountabilities inherent in the process of implementing these programs. For example, we are accountable to the school districts with whom we contract to provide services. We are similarly accountable to the principals who oversee the delivery of our programs in their buildings. Ultimately we are accountable to the parents who select our programs for their children.

Still we realize that these built-in accountabilities are not enough. Under No Child Left Behind, the State has the responsibility to approve providers and evaluate their effectiveness. We believe States should use a variety of methods for determining effectiveness, including standardized test results, survey data, and compliance with provider applications.

While the debate continues with respect to using standardized test data as an evaluation tool, we believe States can use claims made in provider applications as a way of validating that the provider's programs are effective. To accomplish this goal, we have recommended the establishment of a third-party validation system that can be used to determine whether providers have met the objectives set forth in their State applications. Such a neutral system will enable States to determine whether to renew a provider's application.

The research is clear: High-quality, research-based tutoring programs can move the needle dramatically on student achievement. Ill-conceived, poorly executed programs do not. We need to arm our States and districts with the tools to tell the difference between the two so we can end the debate about effectiveness and focus collectively on raising student achievement.

Once again, thank you for the opportunity to speak today.

Chairman BOEHNER. Thank you, Mr. Cohen.

[The prepared statement of Mr. Cohen follows:]

Statement of Jeffrey Cohen, President, Catapult Learning, Inc., Baltimore, MD

Thank you Chairman Boehner and Ranking Member Miller for inviting me here today. I am honored to be part of this important discussion about the Supplemental Educational Services (SES) provisions of the No Child Left Behind Act. My name is Jeffrey Cohen and I am the President of Catapult Learning. Catapult Learning is a subsidiary of Baltimore-based Educate, Inc., and a sister company to Sylvan Learning Center, the largest network of retail tutoring centers in the country.

For more than 15 years, Catapult Learning has partnered with schools and school districts to provide high quality, research-based supplemental education services to at-risk, and largely minority, students. Our business is a true public/private partnership with a primary purpose of raising academic achievement for at-risk students. We customize our broad suite of services, from after-school instruction to special education to school-based pediatric therapy, to meet the needs of our school district partners. This school year we will provide services to more than 100,000 students in more than 150 school districts.

Given Catapult Learning's history of serving at-risk students, we were among the first providers to seek state approval as an SES provider under NCLB, and we have served thousands of children over the last three years. Along the way, we have been part of the national dialogue, with parents, students, school administrators and academic leaders on how SES works, its effectiveness, and its long-term prospects. We believe these programs have the potential to transform children's lives, to put them back on track educationally, to get them excited about learning, and to instill the confidence that anything is possible.

SES is working for students across the country. Students like Graciana Nascimento, a 7th grader at Esek Hopkins School in Providence, RI. Graciana went from an F to a B+ in reading on her school report card last year after receiving free SES tutoring, tutoring her mother Delfina could not afford to pay for directly. Graciana also moved her grades up from D's to B's in her other core academic subjects, and posted an 8 point jump on her state standardized test score. Both Graciana and her mother credit the SES program as the catalyst for her improvement. Graciana is just one of hundreds of thousands of Title I students nationwide whose lives have been given a new, more promising start by this historic effort to level the educational playing field for low-income students.

SES provisions of the No Child Left Behind Act were established, with bi-partisan support, to offer extra academic assistance to students like Graciana who attend a Title I school that has not made adequate yearly progress (AYP) for three consecutive years. The intent of the provisions is to provide immediate interim educational help to low-income children who attend underachieving schools, while the schools work with their LEA and SEA to make whatever changes are necessary to increase student achievement levels.

While some view SES as an experiment in public education, it is important to be clear about the hypothesis being tested. At question should not be the efficacy of research-based tutoring as an effective method for supplementing students' education. Indeed, individualized and/or small group instruction has been used effectively for decades to help students increase achievement. What is being tested is whether providing low-income families with the opportunity to choose the tutoring program that best meets the needs of their children will help offset the impact of low performing schools.

As a provider delivering SES since its inception in the 2002–03 school year, I can tell you that the program, while still in its infancy, is showing progress and promise. Although participation in many districts is still virtually non-existent, according to the United States Department of Education, approximately 218,000 students enrolled in NCLB SES programs in the 2003–04 school year, an increase of more than 100 percent over 2002–2003. And for the current school year, all indicators suggest that the number of students enrolled should show similar growth.

This growth in student participation is evidence that parents and students not only find the free tutoring option compelling enough to try once, but also derive enough value from their participation to re-enroll in subsequent years, tell their friends and families, and make SES a part of their public school experience. Week in and week out, we receive phone calls from parents, grandparents, community organizations, schools, and even school districts from around the country about the positive impact of our SES program. Despite the daily flood of negative press about NCLB, its purpose and its implementation, the calls continue and the enrollments

climb. My belief is that this demand we are seeing for services at the local level transcends the politics of NCLB and serves as evidence that SES programs are an appropriate and compelling option for low-income families; one that will provide for low- income families the same educational benefits that similar programs have provided for middle and upper income families for decades.

While there are positive stories and trends to cite, student adoption of SES is clearly muted by a wide variety of challenges that states, districts, schools, and providers face. For instance, districts grapple with issues such as determining student eligibility and administering parent communications, managing access to school sites, and contracting with providers. States cite as their biggest challenge determining whether the services of potential providers are effective in raising student achievement. Providers often contend with unnecessary obstacles including district opposition to participation in SES, lack of information about implementation plans, and LEA regulation of state-approved educational programs.

Over the past three years, we have experienced dozens of examples of what appear to be obstructionist action on the part of those charged with implementing SES programs at the local level. We have seen parent notification letters that are impossible to decipher. We have seen multi-part registration processes that seem to challenge or dare parents to register, rather than encourage them. We have been prohibited from talking to school principals and parents. While we are hopeful that these practices will diminish, there is no doubt that such practices have prevented thousands of low-income families from participating in the free after-school tutoring programs that they are entitled to by law. Alternatively, experience is showing that when states, districts, and providers collectively embrace SES, the result is thriving student participation, diversity of choice for parents, and positive outcomes.

The reluctance we are facing is easy to understand, but difficult to accept. SES is groundbreaking for public education because it has established a competitive marketplace where competition, innovation, investment, successes, and even failures are playing out. And, as in any industry, quality is prevailing. Across the country, providers are developing reputations among parents and school districts, and these reputations are becoming determinants of their success or failure. Most importantly, low-income parents are becoming educational consumers for the first time in their lives. These parents, who do not have the means to move to suburban school districts or pay for private school tuition, now have the power to make a purchasing decision that will meaningfully impact their children's education. There is every reason to believe that these new education consumers will act as all consumers do, valuing quality, service and results above all else.

As with all education reform, change takes time and all involved must weather both successes and failures. The potential of SES programs is exciting, and the last thing we need is a rush to judgment based on anecdotes, scarce data, and the fear of success. If SES programs prove unsuccessful, then they should be changed, but it is too early to make that determination. And, if we modify this great public/private opportunity, let's do it for the right reason, and not simply because it poses a threat to the status quo. It was 40 years ago this month that the Elementary and Secondary Education Act was signed into law, creating the Title I program. Since then, we have spent more than $175 billion in an effort to close the achievement gap. Regardless of one's feelings regarding SES or NCLB, there is certainly consensus that the gap is still too large, high school dropout rates are too high, and we must accelerate our attempts to address these challenges. Last year it is estimated that a little more than 2% of Title I funds were spent to support SES programs, a relatively meager investment with the potential of a very strong return.

The most vexing problem surrounding SES implementation is the lack of consensus around the evaluation of program effectiveness. We, along with all state-approved providers, welcome full accountability for the results of SES programs. We believe there are several accountabilities inherent in the process of implementing SES programs. For example, we are accountable to the school districts with whom we contract to provide services. We are similarly accountable to the principals who oversee the delivery of our programs in their buildings. Ultimately, we are accountable to the parents who select our programs for their children.

Still, we realize that these "built-in" accountabilities are not enough. Under NCLB, the state has the responsibility to approve providers and evaluate their effectiveness. We believe states should use a variety of methods for determining effectiveness, including standardized test results, survey data and compliance with provider applications. While the debate continues with respect to using standardized test data as an evaluation tool, we believe states can use claims made in provider applications as a way of validating that the provider is indeed complying with such claims. To accomplish this goal, we have recommended the establishment of a third-party accreditation system that can be used to determine whether providers have

met the objectives set forth in their state applications. Such a neutral system can assist states in determining whether to renew a provider's application. Moreover, it will ensure that providers deliver on their promises of service delivery, of customer satisfaction, and of student achievement.

The research is clear: high quality, research-based tutoring programs move the needle dramatically on student achievement. Ill-conceived, poorly executed programs do not. We need to arm our states and districts with the tools to tell the difference between the two so we can end the debate about effectiveness and focus collectively on raising student achievement.

Once again Mr. Chairman, thank you for the opportunity to speak today. I appreciate your time and would be happy to answer any questions at this time.

Chairman BOEHNER. Ms. Swanson.

STATEMENT OF ELIZABETH SWANSON, DIRECTOR, OFFICE OF AFTER SCHOOL AND COMMUNITY PROGRAMS, CHICAGO, IL

Ms. SWANSON. My name is Elizabeth Swanson, and I am the director of after-school and community school programs for the Chicago Public Schools. Thank you for the opportunity to speak to you today. And I want to thank the committee for recognizing the importance of this issue as well as your work to ensure that all students receive the high-quality supplemental education services that they deserve.

I want to thank in particular Representatives Danny Davis and Judy Biggert for their close attention to this issue and continual support for Chicago Public Schools.

My comments today will focus on the need for accountability in the delivery as well as the results of supplemental services. Since Mayor Daley took responsibility of the Chicago Public School system in 1995, the district has been holding schools accountable for improving student performance. CPS has closed underperforming schools, dismissed underperforming principals to send a clear message that schools must continue its progress.

Now after 10 years of strong leadership and accountability, we are seeing the results. CPS students are at all-time highs in State assessments, and our improvement has outpaced the State's.

Expanding student learning opportunities, including the creation of new schools, and the expansion of after-school programs is one of the district's three core strategies to becoming the premiere urban school district in this Nation. Given CPS's commitment to choice, innovation and quality after-school programs, SES was seen as an opportunity to support and enhance the district's visions for its students and families.

This school year, CPS attempted to apply its accountability system to the private supplemental services program; however, we have now been advised by the U.S. Department of Education that it is not the district's role to hold these tutoring firms accountable. In the current regulatory environment around supplemental services, Chicago Public Schools is expected to allow outside providers into its schools and pay them at rates they unilaterally establish. In addition, we must cede evaluation responsibilities to the State. Put plainly, we are being required to contract without being able to negotiate terms, and that is poor government and business practice.

In Chicago, this unregulated environment has resulted in SES providers charging three to four times the amount of money as it

takes to offer equivalent CPS after-school programs, and they use the same or similar materials, the same teachers and same facilities as CPS. In Chicago, SES is a substantial industry. We are going to spend about $50 million on SES this year, and we expect to next year. We must ensure that this funding will provide high-quality services for as many students as possible, and we need the proper infrastructure from the State and Federal Government to make that happen.

Under the U.S. Department of Education's current administrative guidelines, States approve SES providers and are responsible for monitoring their performance. School districts are expected to facilitate parental selection of a provider and pay for the services. In Illinois, the new administration at the Illinois State Board of Education has inherited a system where SES providers were granted permission to tutor tens of thousands of students based on a cursory review of only a handful of pages of documentation.

CPS has been working closely with the Governor of Illinois and his new administration at the Illinois State Board on these SES issues. The State recognizes the shortcomings of the current SES approval and monitoring system, and they are working to improve their oversight.

Chicago Public Schools, on the other hand, has the capacity, the commitment and the obligation to ensure that the services provided to our students are of the highest quality. This school year we implemented an accountability system that begins at the school level. CPS employs an SES lead instructor at each SES-eligible school who monitors program implementation and quality. With our current accountability system, we have been able to adequately monitor SES providers as demonstrated by our recent removal of one provider from seven of our schools. We took this action after a thorough review of the charges compiled by schools and parents, including inadequate student materials, exceeding the agreed-upon student/teacher ratios, chronic tutor absences and an insufficient number of substitute tutors.

In addition, CPS is currently conducting an evaluation of SES. That means all of the components recommended by the Department of Education, and it should be completed by midsummer. However, according to the U.S. Department of Education, CPA will be unable to use that data to hold providers accountable or to act on any of the results. So I am here today to ask for your help.

We estimate that approximately 400 schools in Chicago, over 230,000 students, will be eligible for SES next year. We also have been told that we will have upwards of 70 SES providers that will be approved to service in our district. Again, SES is a substantial industry in Chicago, and there must be a comparable accountability system.

I respectfully ask you to consider the following: No. 1, allow local education agencies to contract with SES providers as they do with other vendors. CPS carefully negotiates contracts in order to attain the highest-quality product or service and the highest possible return on the investment. We do this with our unions, our building contractors, our office supply companies, and SES should be no exception. CPS was able to enroll over 80,000 students this school year, more than any other district in the Nation. However, the in-

ability to negotiate contracts can lead to only 25,000 receiving supplemental services next year. With over 200,000 eligible students, it seems a travesty to only serve 25,000.

And No. 2, allow LEAs to evaluate SES providers and act upon the results. If a provider does not demonstrate positive impact, LEAs should not be obligated to offer that vendor's services to Chicago parents. Allow us to provide parents a universe of proven high-quality options.

Chicago Public Schools' commitment to high-quality education, and specifically after-school activities, is clear. The district has worked hard to craft and attain a broad vision for after-school and community school programs, and supplemental education services can help us achieve that vision, but only if SES is done correctly with the proper supports and accountability measures. Please help us; help our schools and students ensure that high-quality services indeed happen. Thank you.

[The prepared statement of Ms. Swanson follows:]

Statement of Elizabeth Swanson, Director, Office of After School and Community Programs, Chicago, IL

My name is Elizabeth Swanson and I am the Director of After School and Community School Programs for the Chicago Public Schools. I thank you for the opportunity to speak to you today about the supplemental services provision in No Child Left Behind. I also want to thank you for recognizing the importance of this issue—and for your work to ensure that all students receive the high-quality supplemental educational services that they deserve.

My comments today will focus on the need for accountability in the delivery, as well as the results, of supplemental services. I will discuss in detail Chicago Public Schools' efforts to ensure accountability for the public dollars spent on tutoring. I will also demonstrate that our belief in accountability goes far beyond the realm of supplemental services—but extends to all that we do as a district, including our programs offered in out-of-school time. As you will see, we only wish to hold supplemental service providers to the same accountability measures to which we hold ourselves.

CPS Alignment with NCLB

Chicago Public Schools believes in the spirit of the No Child Left Behind Act's three principles:

1. Accountability for results
2. Quality options for all students
3. Highly qualified teachers for every child

All three principles are consistent with our own key strategies and desired system outcomes—however, this testimony will specifically focus on the first two.

Accountability for results

Since Mayor Daley took responsibility for the Chicago Public School system in 1995, the district has been holding schools accountable for improving student performance. CPS has closed under-performing schools, dismissed under-performing principals and has aggressively used the powers of probation to send a clear message that schools must make continuous progress.

Now, after 10 years of strong leadership and accountability, we are seeing the results. CPS students are at all-time highs on state assessments in most subjects and grades and our improvement has outpaced the state's. In addition, CPS is responsible for the reduction in the achievement gap in Illinois. Our local assessments tell the same story. For the first time ever, better than half of our eighth grade students are above the national average in math. And 74% of our schools demonstrated gains in the 2003–04 school year.

Although we still have a long way to go, these results are witness to steady gains that come largely from strong accountability systems linked to standards-based instruction. Our success is truly remarkable for a school system where over 85% of the students are low income. In a country where performance has consistently been correlated to family income, this is proof positive that poor and minority children can meet high standards.

87Quality options for all students

Expanding student learning opportunities, including the creation of new schools and the expansion of after-school programs, is one of the District's three core strategies for becoming the premier urban school district in the nation. As a part of this strategy, CPS strongly embraces free market innovations and competition. Under the Mayor's leadership, the school system is committed to opening 100 new schools within the next 5 years that will embody creativity and efficiency. These schools will include charter schools, contract schools, small schools and performance schools.

CPS also places a high priority on providing quality after-school programs, particularly for underachieving students attending low-performing schools. Chicago Public Schools established the Office of After School and Community School Programs (2001), which provides the overall leadership and guidance to ensure that every CPS student has access to quality programs beyond the regular school day. The mission of our Office is to enable and support schools in offering a variety of high-quality programs that support academic instruction and enrich the development of the whole child. CPS believes that after-school activities have the potential to act as buffers against negative student outcomes, including underachievement. For children who face academic or behavior-related obstacles to success during the regular school day, the after-school hours can be a time to eliminate barriers and improve the education of the "whole child."

Our office currently operates seven major after school initiatives (including SES), serving approximately 200,000 students (about 46% of the student population) in 548 elementary and high schools. This is well beyond what comparable large urban areas are providing during the out-of-school hours.

As a part of this commitment to quality programs, CPS provides schools with ongoing assistance to create and sustain high-quality programming for their students. CPS has also leveraged a number of new after-school resources for the schools, which have dramatically increased the programs and services offered to students and their families. And again, we are seeing the results of our hard work. In 2003–04, 70% of community schools (schools that offer extensive after-school programming) demonstrated gains on the reading portion of the Iowa Test of Basic Skills. In addition, 76% of our 21st Century Community Learning Centers demonstrated gains on the Illinois Standards Achievement Test. While test scores alone do not prove success for our after-school initiatives, they do signify that our students are benefiting from these programs and academic achievement is on the rise.

Supplemental Educational Services (SES)

Given CPS' commitment to choice, innovation and quality after-school programs, SES was seen as an opportunity to support and enhance the District's vision for its students and families. During the 2004–05 school year, CPS attempted to apply its accountability system to the private supplemental services program. However, we have now been advised by the US Department of Education that it is not our role to hold these tutoring firms accountable.

In the current regulatory environment around supplemental services, Chicago Public Schools is expected to allow outside providers into its schools, let them use a pre-approved curriculum, and pay them at rates they unilaterally establish without having any input into the program design and cost effectiveness. In addition, we must cede evaluation responsibilities to the state. Put plainly, we are being required to contract without being able to negotiate terms—and this is simply poor government, and business, practice.

In Chicago, this unregulated environment has resulted in SES providers charging three to four times the amount of money as it takes to offer equivalent CPS after-school programs—and they use the same materials, same teachers, and same facilities as CPS. In Chicago, the supplemental educational services market is a substantial industry. CPS will devote close to $50 million to supplemental services this school year—as well as next year. We must ensure that this funding will provide high-quality services for as many students as possible—and we need the proper infrastructure and support from the state and federal government to make that happen.

Under the US Department of Education's current administrative guidelines, states approve SES providers and are responsible for monitoring their performance. School districts are expected to facilitate parental involvement in selecting a provider and pay for the services out of their Title I set-aside. In Illinois, the new administration at the Illinois State Board of Education, has inherited a system where SES providers were granted permission to tutor tens of thousands of students based on a cursory review of only a handful of pages of documentation. As CPS is also a provider of other after-school services, we know that the state and federal government typically require a rigorous and extensive approval process for state or federal

funding, as with the 21st Century Community Learning Centers program. However, such a process does not currently exist for SES. The inadequate SES approval process is further outlined in the written materials presented today, which include samples of the proposals that were approved, as well as a detailed analysis (completed by the CPS research department) of the "evidence" that was provided to validate their applications. The "evaluation" process used by the state to determine whether or not providers are effective is also included in those materials.

CPS has been working closely with Governor Blagojevich and his new administration at the Illinois State Board of Education on these SES issues. The state recognizes the shortcomings of the current SES approval and monitoring system and they are working to improve their oversight. However, there are many different demands being placed on state departments of education and Illinois, like many, is struggling to keep up with those demands.

Chicago Pubic Schools, on the other hand, has the capacity, the commitment and the obligation to ensure that the services provided to our students are of the highest quality. This school year we implemented an accountability system that begins at the school level. CPS employs a SES "Lead Instructor" at each SES eligible school. This individual is responsible for visiting SES classrooms, monitoring the implementation of curriculum, verifying compliance with the contract (e.g., adequate materials, student/teacher ratio, availability of tutors) and verifying student attendance. In addition, schools, parents and District administration receive individual tutoring plans and student progress reports throughout the program. District officials also perform site-visits throughout the year to monitor the overall implementation of the program. With our current accountability system, we feel that we have been able to adequately monitor SES providers—as demonstrated by our recent removal of one provider from seven of our schools. We took this action after a thorough review of the charges compiled by schools and parents, including inadequate student materials, exceeding the agreed upon student/teacher ratios, continual tutor absences and an insufficient number of substitute tutors. After extensive discussions with the provider in question and their documented failure to correct the chronic problems that were identified, they were removed as a SES provider in seven of our schools.

The recent flurry of news reports about SES accountability (or lack thereof) brings us here today. However, CPS has been thinking about evaluation of these tutoring programs from day one. The Department of Education recently commissioned a report to advise states on how to evaluate supplemental services. CPS is currently conducting an evaluation of SES that meets all of the components recommended by the Department of Education: evaluation of student performance controlling for several variables, attendance, and parent and student satisfaction with their selected services. Our evaluation will be completed by mid-summer. However, according to the US Department of Education, CPS will be unable to use that data to hold providers accountable or to act on any of the results.

Recommendations

I am here to ask for your help. The Chicago Public Schools is the third largest school district in the country, serving over 430,000 students in 602 schools. We estimate that approximately 400 schools—230,000 students—will be eligible for supplemental services next year. We have also been told that upwards of 70 SES providers will be approved to serve in our District. Again, SES is a substantial industry in Chicago and there must be a comparable accountability system.

I respectfully ask you to consider the following:

1. Allow Local Education Agencies (LEAs) to contract with SES providers as they do with other vendors. CPS carefully bids contracts in order to attain the highest quality product or service and the highest possible return on the investment. We do this with our bargaining units, our building contractors, our office supplies companies—and we evaluate the results of our investments to determine whether they are worth continuing. SES should be no exception.

   CPS was able to enroll over 80,000 students this school year—more than any other district in the nation. However, we were able to do that as half of those students were registered with the District's program, which costs 3–4 times less than the private programs. CPS is no longer able to be a SES provider. That fact, combined with the inability to negotiate contracts, could lead to only 25,000 students receiving supplemental services next year. With over 200,000 eligible students, it seems a travesty to only serve 25,000. By allowing LEAs to negotiate contracts, you will ensure that high-quality services are offered to as many students as possible.
2. Allow LEAs to evaluate SES providers and act upon the results. If a provider does not demonstrate positive impact, scores low on parent and student satisfaction surveys, experienced chronic implementation problems (e.g., lack of ma-

terials, tutors, etc), LEAs should not be obligated to offer that vendor's services to Chicago parents. Currently we must continue to offer all services—regardless of performance—until the state removes a provider from the approved list. Allow us to provide parents a universe of proven, high quality choices.

Chicago Public Schools' commitment to high-quality education, and specifically after-school activities, is clear. The District has worked hard to craft and attain a broad vision for after-school and community school programs, which includes providing comprehensive programs for students in out-of-school time, and incorporates needed programs and services for parents and community members. Supplemental Educational Services can help us achieve this vision—but only if SES is done correctly—with the proper supports and accountability measures. Please help us—help our schools and students—ensure that high-quality services indeed happen.

Thank you.

Chairman BOEHNER. I thank all of the witnesses for your testimony as we deal with the issue of supplemental services and how we can get them to more students, and how we can ensure that they are more effective. We do appreciate your testimony, because we need to know what is going on in the field.

Now, Ms. Swanson, if I understood the basic thrust of your testimony, it is trust us. And I guess I have to say, given all the money that we have shipped to public schools around the country, it is hard for me to sit here, looking at what is going on in the Chicago Public Schools for the last 30, 40 years, and want to say I am willing to trust you. It is very difficult for me to do, even though I would agree that what has happened over the last 10 years in Chicago, you have made remarkable progress. But if I did say, all right, Ms. Swanson, we will trust the Chicago Public Schools to do a fair job in terms of opening this up, would you then follow the law and not be a supplemental provider yourself?

Ms. SWANSON. We are following the law. We are no longer a supplemental service provider, and we would continue not to be a supplemental service provider.

I have to say, the last 10 years we have shown dramatic results. Seventy-four percent of our schools made gains last year. We have a low-income population of 85 percent, so it is remarkable that we are seeing such gains concerning the population we are trying to serve.

Chairman BOEHNER. Given that Chicago is a large part of the State of Illinois, I have a hard time understanding why the State board of education in Illinois can't work closely with you in order to achieve the results that you are attempting to achieve. Where is the breakdown here?

Ms. SWANSON. The State itself admittedly does not have the capacity to monitor those. You know, hearing Louisiana's testimony, it is phenomenal what Louisiana is doing. The State doesn't do any of that for us in Illinois. Currently CPA has an attendance tracking system that we are trying to get the same exact results that you are after. What is missing is the invoicing component.

Chairman BOEHNER. Maybe I could cut a deal right here. Would the State of Louisiana be willing to sell to the State of Illinois or license your system to the State of Illinois?

Ms. SWANSON. Or just share.

Chairman BOEHNER. They did a good job.

Ms. SWANSON. I am not going to let you cut my deal.

Chairman BOEHNER. Mr. Cohen, what do you think about the suggestions that Ms. Swanson—or the suggestion she is making for changes in allowing the LEAs to have greater control over what happens?

Mr. COHEN. Well, I think, as I tried to point out in my testimony, that one of the major barriers in implementing SES programs has been the complexities, the uncertainties, the unknown. I think adding—this would add another layer of complexity. Right now you have essentially 50 authorities that are supposed to manage the implementation of those programs, and if done right, it is a fairly efficient system. As I understand Ms. Swanson's idea, you now would be saying you have thousands of LEAs.

Chairman BOEHNER. All with their rules and regs.

Mr. COHEN. One of the problems that we face is we tried to make sure as many of the per pupil funding dollars goes into instruction. That type of rule, I believe, would radically increase noninstructional costs because we would find ourselves negotiating over and over and over again with multiple LEAs. I suspect it would drive providers out of the market.

Chairman BOEHNER. I think all of you talked about the difficulty in getting eligible children and their families to sign up for supplemental services; and then even though you sign them up, trying to get them there to the classroom. What are the major barriers that you have experienced in terms of getting eligible students to sign up for these services? And we will start with Ms. Nola-Ganey.

Ms. NOLA-GANEY. I think it is awareness on the part of the parents and the families of the availability of the services. I think that is a major obstacle. We have tried hard to do community awareness, but I don't think you can ever do too much. I think that is the main obstacle is awareness.

Chairman BOEHNER. Mr. Teasley.

Mr. TEASLEY. Probably several obstacles. No. 1 would be awareness. I am not a media expert, but they do say you need to have 1,200 gross rating points in order to get into the market whatever package you are trying to sell. In Indianapolis, Gary and Colorado, No Child Left Behind requires the district to provide one notice a year. One notice isn't going to be good enough. Service providers don't have the list of the students. Service providers would probably like to market their program directly to the students, and I understand we need privacy, and we have privacy issues.

Perhaps one way we could work with the district since they do know who needs the services is to provide the district as much information and the funding necessary to mail or phone call necessary to reach these families, because these families, they may get something in the mail and looks like direct mail, and they pass it on or don't even read it. And highly educated families who have three or four kids, stuff gets stuck on the to-do list or on the pile of mail you need to look at. So even low-income families are having the same challenges as high-income families are with managing the mail that they have. They don't know if it is important. So direct access to the families would probably be the best solution, keeping in mind the right to privacy that each family has.

Chairman BOEHNER. Mr. Cohen.

Mr. COHEN. I echo both those thoughts and would add that I think there is an issue of effort. And again, as I tried to point out in my testimony, we have seen school districts that will provide a provider fair during the middle of the workday miles and miles from mass transit, and then not to steal Ms. Swanson's thunder, but Chicago on this issue provided multiple provider fairs after work, well communicated to the community, and provided transportation, and they were a resounding success, and they have 80,000 students in their program. Certainly it is parent awareness, but how much effort is going in to make sure these parents are aware that these programs are out there.

Chairman BOEHNER. Ms. Swanson.

Ms. SWANSON. I believe the district does have to become a huge advocate for this program, and Chicago Public Schools has absolutely embraced SES. And we did announcements over the summer. We vetted all the things we sent out to parents with community groups and groups of parents. There is a 20 percent return rate when we throw something in the mail. We did direct outreach through churches, the neighborhoods. We held regional fairs. We provided transportation. The district can be a huge catalyst for getting people registered for this program, and we will continue this next year as well.

Chairman BOEHNER. I know my time has expired, but I need to expound on this point, because school districts are in an interesting position. If they reach out and encourage more participation, that is more money that comes out of the Title I coffers and goes into the SES providers' pockets. And Chicago has taken what I would think the morally right approach to say these kids need help, let us reach out and let us get as many enrolled as we can. We have put school districts in kind of an interesting box.

Ms. Swanson, I think you know what goes on in Chicago and elsewhere. Why aren't more schools embracing supplemental services for their students, in your opinion? Then I will ask Mr. Cohen.

Ms. SWANSON. I don't know. I think it does put—like you said, it is an interesting line we are walking. We know we are critical to assessing the program. We have a CEO who embraces after-school tutoring. It is a personal passion of his. He developed this office when he came in in the administration a few years ago. An after-school office didn't exist. It is part of CPS's mission. But it does go back to the critical component of this, but also not able to really necessarily regulate what happens once we get folks enrolled and things of that sort. Districts are trying to walk the fine line, but a lot of it is financial.

Chairman BOEHNER. Thank you.

Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman. And thank you all for your testimony. I think it has all been very constructive and very insightful.

A couple of things in the questions. If I understand, the situation in Illinois is that the State really has sort of a bare-bones program in terms of quality and monitoring and control and accountability, if you will, operation. And I think the concern, Mr. Chairman, is, for us, somebody has to take responsibility for having a well-administered program. If we put $200 million into this program this

year, people are projecting it could go rather quickly to $2 billion. We can't leave that money on a stump. We have to know that somebody is watching out after that.

Louisiana has given us one version of that. Mr. Teasley has given us another version that he thinks works in Indiana. And in Illinois, we have this big void where the State is not participating, which means then the school district has to open up to its parents and to its resources, a lot of people that may or may not be fly by-night operators, because you really don't know what the monitoring is.

Mr. MILLER. Because you really do not know what the monitoring is. You do not know how they are doing. You do not have real-time data in terms of their effectiveness.

Now, I would say, well, you have got some big-name operators. They have a franchise they want to protect, so maybe they are going to do a good job, or you hope they will do a good job. But that doesn't even help you here, because at some point the parent gets to make a decision about who they are going to request provide these services.

And if somebody—if the State is not going to put in place a first-class system—not a burdensome system but a first-class system that gives us the kind of data and information so that we can start to deal with this in a modern fashion, I mean, we are constructing a new system here. We should not construct it like the system of the last 50 years. We should construct it with all of the benefits of data and real-time information so it can be used and it can hold people accountable and we can get the results for these students.

But when the State defaults, and I think I can probably throw California partially in that category, then who watches out for the interests of the taxpayer dollars, for the child, for the parent, and for the school district? Somebody has got to step in those shoes. And I think either we are going to have to determine what a good system looks like to help some of these States get up and running and meet their responsibility or we are—well, I do not know what the "or" is, because, again, somebody has got to be accountable for this money.

I think Chicago has been caught in an unusual situation, and it is not about—at least when I listen to parents, parents made it pretty clear in Chicago, in many instances, they wanted to have the choice of the current teachers and/or a vendor, if you will, an outside person, made that very clear from people that I talked to.

And I just think it goes to the fundamentals of this hearing. I mean, we took a major and bold step forward in terms of inviting in the non-profit private sector to this system because we thought this would be healthy and we thought that services and research that have to be done could be effectively deployed on behalf of these children. And I hope that turns out to be true, but we are not there yet.

Mr. Teasley, on page 2 of your statement—excuse me, Mr. Cohen, on page 2 of your statement, you say that while some see SES as an experiment in public education, it is important here to clear up about what the hypothesis are being tested. At question should not be the efficacy of researched-based tutoring as an effective method supplementing students' education. Indeed, individualized or small-group instruction has been used effectively for dec-

ades to help students increase achievement. What is being tested here is whether or not providing low-income families with the opportunity to choose the tutoring program that best meets the needs of their children.

I suspect both are being tested here. Because the problem is the parent has got to rely on the fact that this is a research-based tutoring that is an effective method of delivering these services. We haven't quite crossed that threshold where we can look parents in the eye in Washington, Indiana, Louisiana and elsewhere and say, here is your 10 choices, different ways of doing this, but the effectiveness is pretty close, and we have confidence in them, make your choices where you would like to go.

Because, right now, at least, just—in coming from within the industry suggests—I love it when the others say, oh, that other guy is cheating over there; that person is cheating, too. Suggests that we are not there where we can assure these parents that each of these choices is tied to—and in fact Chicago has dismissed and other people have dismissed some providers.

Mr. COHEN. I think the system, though, is built—and I do not mean to sort of parse words here, but the system is built not to test that first issue. And what I mean by that is every provider has to demonstrate a track record of effectiveness and educational——

Mr. MILLER. I think that is open to question. That is my concern. I don't think all States are really asking that that be demonstrated.

Mr. COHEN. OK.

Mr. MILLER. It should. We have no disagreement.

Mr. COHEN. Well, I think we have a disagreement there. Our experience—and I can only speak for our own experience—is that the State applications are fairly rigorous in asking for demonstration of alignment to the State curriculum or State standards, demonstrate a track record, as I said, of effectiveness, which I believe is actually in the law.

So if, in fact, the State—I think it gets back to not to the front end or the back end——

Chairman BOEHNER. How many States do you operate in?

Mr. COHEN. We are approved in 35 States. We are working in more than 75 school districts across the country. So, to that point, we have seen 35 State applications. Many are the same that have been adopted through many States. I think the issue, again, is on the back end, which is the verification and validation. In other words, are the providers doing what they claim they would do in their application?

I agree with you that there may be resource issues up front in determining whether or not what goes into that application merits or warrants an approval. But the real issue I think is on the back end to say whether or not the provider actually accomplished what that provider set out to accomplish in the application.

Mr. MILLER. Ms. Nola-Ganey, let me ask you a question. The system that you put up in your power point yields an awful lot of information and a lot of data. Are you able yet to use that to start to delineate differences in terms of effectiveness between programs? And, if so, at some point does the State envision making judgments that some programs are better than others?

I know we do not want to get into that. But with all of the effort you have gone through, I would assume one of things you want to learn is, whether it is 14 hours at $100 an hour, whether it is 40 hours at $18, you would want to start to be able to determine that, to help parents make the right choice with the public resources.

Ms. NOLA-GANEY. That is exactly what our evaluation design is intended to do, is to look at the effectiveness of each provider not just based on what they tell us they are doing but what is actually evident based on outside evaluation, outside test data.

Mr. MILLER. So, as I understand your testimony, you have the standardized test, but you also have other means of matching how these children are progressing?

Ms. NOLA-GANEY. That is right. But, also, let me add something to that. We also have where we approve providers as either fully approved or new and emerging. Because if a provider has a record of—has the research-based evidence but they do not have a long history of effectiveness, we allow them in as a new and emerging provider; and as they are new and emerging, they are limited to the number of students they can serve, and we monitor them more often, provide them much more technical assistance.

So as part of our research design is also how are we going to take those new and emerging providers and move them up to fully approved, based on the data that we are finding out.

Mr. MILLER. Thank you very much.

Chairman BOEHNER. Mr. Teasley, could you deal with a question that Mr. Cohen was dealing with in terms of your experience in terms of the State applications and the State follow-up in terms of results? Is it any different than Mr. Cohen's experience?

Mr. TEASLEY. We are not in 35 States. We are in one State, in Indiana. We did just fill out our application for Colorado. We found the application was rigorous. We had to provide a research-based program, effective proven program, et cetera.

Chairman BOEHNER. And aligned with State standards.

Mr. TEASLEY. Aligned with the State standards.

In Colorado, it is a little different than Indiana. We went through the program last year in Indiana. We just went through the program in Colorado and submitted the application literally a month ago.

In addition to submitting the application, they are actually doing interviews with the providers. And in addition to the provider applying to be a State provider, a State-approved provider, we are actually having to provide addresses of where we are actually going to provide the service, which is a little difficult on the provider because you do not know which district needs the service. At the time you are doing the application, you have a list that is provided by the State, but you do not know if that list is going to be true when you start providing a service.

So it is a little bit difficult, kind of a catch–22. Why would you go through lining up the locations if you don't know where you are going to actually be needed? But, nonetheless, we did do that; and we have our interview in 2 weeks with Colorado.

If you do not mind, I want to clarify a little bit on the issue of $18 an hour and $100 an hour. Quite frankly, I do not care how much you do charge per hour. We really should not get in the busi-

ness of counting seat time. We need to be starting to look at academic achievement. So if, indeed, you can measure the achievement, and the achievement is terrific, than you can have a rubric to where, you know, 10 hours of tutoring for $1,400 is worth it, whereas if you do $18 an hour, which we do, maybe it is not so good. I am talking about ourselves. OK? So why would you want to do that for 80 hours? You don't.

Mr. MILLER. The point of my question is whether or not Louisiana would be in a position, over time, where they could start to delineate whether they were differences, whether more hours made a difference, or fewer hours, or the program, two different style programs. It wasn't a question of the compensation patterns, just whether or not the data was set up to yield the information so they could start making some judgments about what, in fact, was effective.

Mr. TEASLEY. I would like to comment, by the way, on her program. We are a charter school in Indiana, and we have a student testing number. I believe every State has that. The data for every student in every State is on a State-based data collection system. It would make perfect sense to have this lined up, the SES program with the State testing number that every student has, and then—I do not know if that is what you already do?

Chairman BOEHNER. That might be too practical.

Mr. TEASLEY. That might be too practical. It is already created. You wouldn't have to buy it. You have already have the system in Illinois.

Mr. KLINE. Mr. Chairman, I want to thank all of the witnesses for being here today. Terrific testimony. It is a great subject. It is a program that I think all of us on this committee want to see succeed, I hope, around the country. Fascinating to me to listen to the compelling case that Ms. Swanson makes about the very large district in Chicago public schools and the need for them to deal directly and then hear Mr. Cohen say, yeah, but then we are going to do several hundred contract negotiations. It has been very helpful and informative to me.

We have had a couple of questions so far, which I cannot remember if it was Mr. Miller or Chairman Boehner who went down—started going down the road about obstacles to participation; and I was fascinated to hear about public service announcements and time on television and radio and mail sent that apparently gets thrown away. I have some familiarity with that kind of situation.

At the risk of seeming to be extremely naive, let me just explore the possibility of the information being sent home in the backpack, and I understand that puts us in a little bit of the dilemma that Chairman Boehner was talking about of conflicting needs of the districts. But it seems to me that the Louisiana data base, which just is fabulously successful and I hope you are able to work that negotiation, by the way, does not that data base allow you to track the students that are eligible and those that are participating and those that are not and wouldn't that then allow you, the school district and/or the State, to follow up with those students who are eligible but not participating with another note sent home in the backpack or something? Can you address that?

Ms. NOLA-GANEY. We did try to do that. In Orleans, as I said, we had streetcar announcements, we sent out flyers, we even got the preachers to help us. We have a 1–800 number that we have plastered everywhere. Because we wanted to track the calls that came in from parents because you cannot force them to do it. They have to want to do it.

So we tracked the number of calls, and we did get an increase in the number of calls.

But when it got down to—I think there is also obstacles when it gets down to the school and the district level, if they are not being receptive to the parents who are calling—I mean, we track the calls, but we also had them, you know, we had to refer them to the principals. And so the principals are not being receptive. It is just—it is a lot of issues in there.

Mr. KLINE. I concede that there must be a lot of issues.

Something fundamentally I do not understand about the system, when you have the information about the students that are eligible and those that are enrolled, you obviously have the students who are eligible but not enrolled, and why do not you have the mechanism for contacting them directly? I mean, why do we need the radio and the television and the preachers and whatever other mechanisms? Why can't we reach those students and parents directly?

Ms. NOLA-GANEY. I think they are being reached directly. They are all being sent home information. If they are in a Title 1 eligible school, they are sent home the information to their parents. But it is a matter of getting the parents to take the next step. It is a struggle. We would certainly welcome your recommendations on how we could do that better.

Mr. KLINE. I was looking for your recommendation.

Ms. NOLA-GANEY. We are struggling here.

Mr. KLINE. Have I just fundamentally missed it?

Ms. SWANSON. No. We actually just started with that. We did that exact thing. We sent something home in the backpack. The report card pickup is April 20th for all of elementary schools. We started sending out information regarding SES for next year, just saying, you know, please stay tuned. Your children may be eligible. You will get more specific information as it goes on. And we are going to do it at the end of school year before the kids go home.

That is our initial step is to literally hand children, you know, the information to bring home to parents. Then it is a follow-up. It is amazing the gap of time that—the summer, that people forget to register, et cetera. That is when we really start media pushes, just to keep the brain remembering that SES is coming. But we do do that.

Mr. KLINE. OK.

Mr. TEASLEY. Sometimes we may be forgetting about who we are trying to serve here. I do run a charter school; and literally—I mean, I am not saying this is every child, but a lot of the children we are trying to serve, we are talking about mom and dad, they are not home. They are being raised by grandma. They are being raised by a guardian. Literally in my school, which, you know, the guardian of the student has to make the proactive choice to come to my school. Nonetheless, they are getting in trouble too.

A dad was charged with rape 2 weeks ago, a father of one of my students charged with rape. Now, he is married, right? He is charged with rape. The mother tried to overdose on drugs, tried to get her kid to do the same. Now the kid is in child protective services.

You send something home about SES with this kid in their backpack, who is going to read it for that little kid? This is not——

Mr. KLINE. They do not have the ability to get the note signed back from the guardian or parent?

Mr. TEASLEY. It is very difficult.

Mr. KLINE. But you can track it. I guess—I see my time has expired. But I am just really impressed with the STAR program that Louisiana has. It looks to me—I guess I was trying to explore another, you know, potential use for the thing. And my time has expired. But I highly encourage the two ends of the table to come to common ground here, and maybe we need to talk to the State of Illinois.

Thank you, Mr. Chairman.

Mr. CASTLE. [Presiding.] Mr. Kildee.

Mr. KILDEE. Before I start my questions, Mr. Teasley, your statement about some homes aren't really qualified to make decisions for their kids, wouldn't it be better if we had the school be able to make, in some instances, the choice of sending a child to these tutoring services?

Mr. TEASLEY. I think in many cases it would be very helpful if the schools would help. I wouldn't mandate the schools, but I would think if a school, like in my case, understands there is difficulties at home, that there are counseling opportunities for the child, and the child can actually work with——

And IPS is actually working with us. They called us 2 weeks ago and they said, there is 300 kids who have yet to take SES programs; and they want us to provide that service to them over the summer. So IPS, Indianapolis Public Schools, is actually wanting to work with us and actually help us market our program, more so to the two schools in particular, because they know where these 300 kids are, and they want to go with us to the principal and say, would you market this thing to these kids again and again?

But that is a district that really wants to see this happen. There is another district in which we are operating, and that is in Gary. We have been operating since January, and we haven't been paid a penny yet. That is difficult. Are you in Gary? We haven't been paid a penny. Here it is at the end of April, and we have encountered all of these payroll costs and services that we have rendered, and we haven't been paid a penny. Now the District of Gary, I would say, is just not as inviting as Indianapolis is.

Mr. KILDEE. Well, I think, in my district, we have a school district where a mandate to the school to enroll a student in the SES would be very helpful to hundreds and hundreds of students. Perhaps if we fully funded Title 1, which would be about $23 billion this year rather than the—$22 billion rather than the 13, the school would have the resources to—if we are going to mandate, we should follow the mandate with the dollars.

Mr. TEASLEY. Are you suggesting compulsory SES attendance?

Mr. KILDEE. I think when there is a dysfunctional family that somehow the school system should be able to at least have greater influence over the child in getting them into an SES program. But that is my own feeling. I do not fear Federal mandates entirely as long as we fund the mandate, and we haven't fully funded No Child Left Behind.

That is the first argument I got in with the President and the last argument I got in with the President about fully funding. But if we fully funded Title 1, we could do much more here.

Let me read a statement from the New York Times. It says, we want as little regulation as possible so the market can be as vibrant as possible, Michael Petrelli, an official with the Federal Education Department, told tutoring company officials at a recent business meeting organized by the education industry.

With that in mind, let me address a question to Ms. Swanson. When you say the U.S. Department of Education has advised you that it is not your role to hold SES providers accountable, do you get a sense that they are finding other ways to hold them accountable or that accountability is not happening to the extent necessary?

Ms. SWANSON. Perhaps Illinois—it seems to me, Illinois is being pointed out as perhaps a unique circumstance, but I do not know necessarily that it is. But we do not feel there is a lot of accountability right now; and Mr. Petrelli has said that numerous times in various articles. When we took the steps and now over a 5-month process removed a provider from our schools we were told that we should not second-guess the State. That is not our role.

So, no, because we know in Illinois the State has not been able to have the capacity to monitor this. So we have tried to step in, but we really do not think there is accountability measures out there right now that are at least strong enough.

Mr. KILDEE. What was the Department of Education's rationale for not letting the Chicago public schools use data on student performance to hold providers accountable?

Ms. SWANSON. We would like to use our data or evaluation results to at least provide good choices so—not a laundry list of 75 vendors that we are not sure we know much about. I would go back to the rigor of some State's applications.

I would encourage you to look at Illinois. I have done a lot of funding for after school, 21st Century Learning Centers, other Federal grants; and I have turned in, you know, grants that are hundreds of pages long for much less money than this. So I do not see that happening in SES, in every State there is not even a very difficult application.

Mr. KILDEE. What was their rationale for not letting your school system to use data, student performance data?

Ms. SWANSON. We can track that data, and we are to give it to the State, and then the State should do something. What we have been told is that the State won't—you know, I believe that is in the guidance, that it is 2 years. They have to have 2 consecutive years.

We really do not have good data on last year. So our data this year is coming out this summer. And we would like to at least if not shorten the list to the real high-quality providers or at least indicate the ones who have had great success—and, unfortunately,

today there was another article in Chicago that said the U.S. Department of Education is even leery about us putting out that type of information to parents—just so they are informed consumers.

So every time we would like to at least publish results of evaluations or data, we are getting pushed back on that as well.

Mr. KILDEE. Could some providers do a better job in an urban school setting like Flint, Michigan, or Chicago than maybe in a suburban or rural area?

Ms. SWANSON. I can only really speak to what I am seeing in the urban area. I am not sure of the differences. We are definitely seeing differences in our providers currently. I think some institutions do have a long history of this type of programming and are equipped for the capacity that they are seeing in places like New York or LA or Chicago. But I honestly do not feel that I can make a good comparison to what is happening in the rural districts.

Mr. KILDEE. One final question, Mr. Chairman. Your office of after school and community programs, do you also have control over the 21st Century Learning Centers in that?

Ms. SWANSON. Yeah.

Mr. KILDEE. Can you integrate that with the SESes in any way?

Ms. SWANSON. We do. We actually have been at various after school conferences throughout the Nation showing how 21st Century and SES can work in partnership in schools. And that—I mean, again, you know, CPS has really embraced SES and is moving its agenda forward for after school programming.

But 21st Century money allows you to do very different things than SES money. If you can have your children in the rigorous reading and math programs of SES and then go into some of the family programming and enrichment, art, music, theatre that can happen in 21st Century, you end up with a very robust after school program; and that is really one of things that CPS is trying to do. But we do work with a number of our schools to try to get that partnership happening at the school level.

Mr. KILDEE. I commend you personally for what you are doing.

Mr. CASTLE. I will yield myself 5 minutes.

Let me just start by saying that I agree with a lot that has been said today. My sense is when you write laws like this, particularly this particular section which was a couple of years out, 2 or 3 years out, sometimes perhaps it is not written as carefully, the regulations aren't quite as careful as they should be. I am not too sure we shouldn't be making some adjustments.

I think it is a very worthwhile hearing. I mean, I will tell you one thing that goes through my mind and that is, why don't we make all incentives illegal immediately and just be done with it? The idea of giving things out to get contracts bothers the heck out of me.

But let me—just a couple of issues that I have in mind. One is, there is a very good article in my—I am from Delaware—my local paper, a big headline article, Christina After School Pilot Program Will Be Used as Model for the U.S. Basically, it is a program from a fledgling, they say, for-profit group, Options for Education, Vancouver, Washington; and our largest school district, the Christina school district, is basically using it. And it uses more local services

in the area and that kind of thing than do some of the other programs that are there.

But what struck me as something, Mr. Teasley, both you and Mr. Cohen—well, Mr. Cohen did not allude to it, but I think references his sister company here, and that is the cost of some of these things, which frankly does disturb me quite a bit because of the limitations.

For example, in this particular school district, they have $713 per student. And this gentleman who runs this operation—schools are getting robbed, said Mike Forzley, CEO of Options for Education. Some of these supplemental service providers are charging $50, $60, $70 an hour to tutor children, and they are not connected with the school. That does not go very far, $713, if that is true.

Then it says that Sylvan Learning Center agrees $713 won't get a child far. The Center charges $43 to $48 an hour, and most children spend 50 to 60 hours to get to grade level.

That is 713 by divided by 43 to 48 doesn't get you the 50 to 60. And the 50 to 60, according to another person who was cited here, is probably needed in order to bring a person to grade level. So—I mean, garbage in is garbage out. I understand that. But my concern is that, you know, when you create an economic-type program that is perhaps a program that is now in the millions, it is going to be in the billions of dollars, a lot of people are rushing in to fill it. That is fine. I don't have a problem with good economic competition. But if they are rushing in to fill it and they are making a lot of money and the job is not being done, and Mr. Cohen has already indicated we should be assessing these programs more than we are, then I have a problem with that.

So I do not just take it, in fact, just because a program is working at $50 an hour, it is necessarily better than a program that is working not quite as well at, say, $10 an hour on the basis of the number of hours. I think most of us understand in education that repetition, going back constantly, is a pretty significant item; and we are limited in what we can do. We cannot have open-ended programs. I do not doubt that some of the more expensive programs might work well, but I sort of—I do not want to accept at face value the statement that the dollars are not significant here. I think they are a significant part of it.

Can you both give brief statements on that, please?

Mr. COHEN. I will start. I think something that we have to keep in mind is that we have created a marketplace through this law. And I think something that is paramount to remember is, and I tried to allude to this in my testimony, is we are creating a class of educational consumers that we haven't seen before. We are giving a purchasing opportunity to low-income parents.

Mr. CASTLE. In a way, we are giving it to the districts, not just to the low-income parents. They are the ones who are going to make the decisions on what continues and what does not. The parents are going to take whatever they are fed, in part.

Mr. COHEN. Today across the country there are more than 1,500 approved providers. So there is a wide variety for parents to choose from.

Mr. CASTLE. It is not necessarily district by district. It is the district that is feeding it to the particular parents.

Mr. COHEN. But even in many districts—and I don't know, in Chicago, there are dozens of providers to choose from among the parents. And we would argue as——

Mr. CASTLE. The facts are I think there are in some cases and there are not in dozens in other cases.

Mr. COHEN. Agree. But even if there are two or three, the point is a marketplace over time should sort out the issue that you just raised.

Mr. CASTLE. But wouldn't you agree we need the evaluation you talked about before? Without the evaluation, I think we have a significant problem in terms of determining where the worth really is.

Mr. COHEN. I think that has to be a fundamental premise and principle here, that we have to be—that all of the providers I think would agree that there needs to be accountability and a way to determine whether or not the programs are being effective.

But among—let's say if you assume that you have multiple providers that have proven that they are effective and you have that system in place, then the marketplace will lead the consumers to the most effective programs for the cost.

Because if one provider is at $10 an hour and another provider is at $50 an hour, parents are going to choose the best program for their kids. And it likely means that is going to be the most effective program with the most hours.

Mr. CASTLE. Well, I do not want to argue with you. And my time is up. But I do not totally—I mean, this is an argument, as opposed to my understanding it and your not understanding it, because I am not sure if I am right.

But I just question how much the parents are going to be involved in those decisions. Based on what I know of this program, you are doing with lower-income circumstances. It has already been pointed out that some of the parents can't even make the decision, do not have the ability, we cannot even get it to them to make the decisions to get into the program. I just wonder if those same parents are just going to accept whatever is given to them without any kind of real determination of the value of it.

But I worry even more about the school districts, because of just inside power reasons, whatever it may be, for not making the decisions either. So I am a little worried about all that. I would like to see good outside independent judgment on this. But let me go to Mr. Teasley.

Mr. TEASLEY. Just two comments. One, of the charging per hour, $50, $18, whatever it is, Members of Congress need to keep in mind that the cost incurred by the provider is set. Whether the student shows up or not, we are paying the teachers and the tutors. And that has happened to us. We thought we could do it. Math. You have 10 kids. You charge $18 an hour. That is $180 in 1 hour. You have got your teacher, your tutor, your assistants, et cetera. You got your room, your computers, and your supplies all worked out in that $180 per hour.

Well, guess what? You do not get 10 kids per hour. And if you do not get 10 kids, you do not get paid for 10 kids. Maybe you get five. Maybe you get two. Maybe you get eight. It is all over the map.

So, quite frankly, while we charge $18 an hour, I think we are cutting our feet off by doing that. We are actually talking about increasing the rate so that we can cover our losses, so to speak. We are a non-profit. We are not a group that goes out of business. So we have got to be careful with that.

What was the other issue you were just talking about at the end, because I wanted to comment on that. Parents being led by the schools. I think—it is anecdotal, but I believe it is fair to say that a number of teachers have suggested to the students who need the SES to go with X program. I think that is fair to say, that that is going on. Principals are also saying, go with this program, not that one. So the parents are being fed a line as to which program to go to.

And I do not know what is happening on the other end. I am not making any accusations, but I do know that principals and teachers are making recommendations to parents about which program they should go to.

Mr. CASTLE. And, boy, if they got a computer for doing that, that would sure bother me, or got a computer if maybe they would do it, that would sure bother me. I am not suggesting that has happened, but there has been indications that that is a possibility, too.

But my time is well up here. I just think there is a lot of questions about this. I think the evaluations, the assessments, really understanding what we are doing is vitally important. I mean, basically we up here in this business are here to educate these kids better.

You may be in business, running a non-profit or whatever, it may be for other reasons. We have got to understand what the heck is going on. I am not comfortable that we really have our arms around this; and I think we ought to do it now, right now, before it is too late, before it is such a big business that it is going to be very hard to take apart again and make it completely correct.

With that, let me yield to Ms. Woolsey for 5 minutes.

Ms. WOOLSEY. Thank you.

I wanted to respond to the chairman's comment to Ms. Swanson suggesting that she was saying: Trust us. That is not what I heard her say. I heard her say, we actually would like more oversight.

And when you talk about trust us, I am sure we have all read the New York Times April 4th article where they suggested that there is little oversight of the quality of instruction offered by supplemental service providers and also described, as Chairman Castle just talked of, providing parents and students incentives to participate in the programs. Not convincing them about the quality, but offering incentives such as computers, gift certificates, et cetera, et cetera.

Then we have an administration that likes to talk about the importance of accountability for Federal funds. They responded just recently, regarding the supplemental service programs, quote, we want as little regulation as possible so the market can be as vibrant as possible.

So where, I ask you, is the accountability for what could become over $2 billion in supplemental services? You cannot have accountability in one part of education policy and not in the other.

So, Dr. Nola-Ganey, I have a question for you. In your testimony you mentioned that you are providing assistance to the programs that aren't measuring up. My question is, these are supposed to be the experts. If they are not measuring up, why aren't we getting rid of them? Because we are telling our schools that are in the greatest need that if they don't measure up they are in trouble. So what would make that——

Ms. NOLA-GANEY. Well, first of all, the law says that they have 2 years to be on the list, for the State to evaluate them. We want our children to have the very best. So if they—for example, if they are a new and emerging provider, we do go in and help them. We have an advantage, because our State has invested heavily in after school programs with other funding. So we do have a cadre of employees who are fantastic to be able to provide assistance to providers. So, yes, we do go in and provide assistance to our providers.

Ms. WOOLSEY. Well, thank you. It would be my impression that if we are bringing in experts, that they should not require a lot of help. Because we should be giving that help to the educational institutions in the first place.

Ms. Swanson, this is a rhetorical question, but I would like you to talk about this. The struggling schools, the schools that need improvement, aren't they facing the exact same problems that the supplemental services programs are talking about that they are having problems with? Parents that are in great need, kids that do not have books, the whole thing. Why is it OK that these programs can say we cannot do it because we have got these problems, these are our challenges, and we aren't supporting our schools who have the same challenges? We are telling those schools, measure up or get out of education.

I know I am being coarse, since I haven't asked you exactly what I want to know. Here, I do have a question. If we put the same investment into the schools and into the after school programs, would we not have the same amount of improvement?

Ms. SWANSON. I would think so. We, specifically in our after school programs, do consider it almost an extension of the school day. We really align all that we do. Before when we were a provider we took the time to align all of our after school programs with reading and math initiatives that we have seen, all of the scores that I have talked about in my past testimony, of what has been happening in the past decade.

So, yes, absolutely. If we invested this money in the regular school day, lengthened the day—Chicago has one of the shortest days in the country—we could start seeing these results.

Ms. WOOLSEY. Thank you.

Mr. Teasley, you said that these programs should be in the classroom first and then second for after school programs and the tutoring, in your testimony. My question is, with limited funds, where should that be spent first, in the classroom or outside of the classroom?

Mr. TEASLEY. Well, first of all, I wanted to comment on that last question that you asked her. The difference between the school and the after school tutoring program is that the school is compulsory and the after school tutoring program is not. It is choice. So schools are having to deal with these challenges, the same challenges that

we have with the SES. But they have an advantage in that it is compulsory education. Children must go to school during the day. They do not have to take advantage of the SES program.

Now in your second question as to where the money should be spent——

Ms. WOOLSEY. First.

Mr. TEASLEY. First. I had the honor of hosting Secretary Paige last year, 2 years ago—actually, last year and the year before he came to Indianapolis; and he made it very clear that NCLB is a floor. It is not a ceiling. And, quite frankly, you do not need NCLB to be providing supplemental education services right now in any district. Any district that wants to contract with Sylvan or us, they can do that with or without being a needs improvement school.

So I actually think that, you know, if they have the money for the after school tutoring, and that is I believe compulsory, you have to spend a certain percentage of your dollars through NCLB on SES programs for certain students that qualify. If you have those dollars and you are spending those dollars on the after school tutoring program, I do not see why a district that isn't in the needs improvement category can't look at what, say, what Mr. Cohen is doing with his program, and let's institute that now so that we do not get to the point of being a needs improvement school. There is nothing that stops the school from doing that right now.

Ms. WOOLSEY. Well, yes, there is. It is called funding.

Mr. TEASLEY. Well, they are either going to do it through being compelled to do it, by becoming a needs improvement school, or they are going to do it on a voluntary basis.

Ms. WOOLSEY. But my question is, shouldn't that money be spent in the school first?

Mr. TEASLEY. Well, I think the U.S. Government provides, in the Title 1 program, the flexibility for school districts to choose how they want to spend those dollars specifically on reading and math. So the school districts do have that flexibility right now.

Ms. WOOLSEY. Thank you.

Chairman BOEHNER. [Presiding.] The Chair recognizes the gentleman from Georgia, Mr. Price.

Mr. PRICE. Thank you so much, Mr. Chairman.

I appreciate also your testimony, and thank you for coming this afternoon.

I am interested in, as Representative Kline said, at the risk of being naive, how does what we are doing now differ from what we did before the program was instituted? I guess this would be for you, Ms. Nola-Ganey and Ms. Swanson. How is what we are doing now different, and how do the results differ?

Ms. NOLA-GANEY. From what?

Mr. PRICE. Before we instituted the supplemental, the SES.

Ms. NOLA-GANEY. How does it differ? Well, before schools did not have to provide. Schools in need of——

Mr. PRICE. What did you do with these students?

Ms. NOLA-GANEY. Well, a lot of our schools in Louisiana have remediation programs. We had other extra help type programs. But it is on a district by district level.

Mr. PRICE. And how are the results different now compared to what—the results you were getting with those students different now?

Ms. NOLA-GANEY. I do not think that we have the answer to that question yet. We will, though, at the end of this school year, to see if, in fact, these programs have, in fact, made a difference.

Mr. PRICE. Ms. Swanson.

Ms. SWANSON. Before SES, either—we had a commitment to after school programs, and we were running our own district level program. We compared those programs to the SES programs of last year. There is no statistical difference between them.

I do not think—there is not a lot new happening except that, obviously, there is a new, you know, cordon of vendors coming in and helping us do that in our after school time.

We basically, like I said, did similar things, reading and math instruction. It wasn't mandated. It was by choice. Our after school programs have an 85 percent attendance rate. We are doing good things in after school.

Mr. PRICE. So I understand you are using $50 million annually. Are you getting anything for that $50 million?

Ms. SWANSON. We do not know yet. You know, it is helping us perhaps reach more students. Before SES, we were reaching close to 200,000. This year, we will have a good gauge if that money is reaching even more students, which we obviously think it will be. But, other than that, no, we haven't seen the results.

Mr. PRICE. But you think you are reaching more students. Is that accurate?

Ms. SWANSON. We hope. We do not have that finalized. We will at the end of the school year.

Mr. PRICE. Mr. Cohen, I understand your—Catapult is in 35 States or thereabouts?

Mr. COHEN. Yes. We are approved in 35 states.

Mr. PRICE. What percent of your revenue comes from State or taxpayer dollars and what percent from private individuals?

Mr. COHEN. Our Catapult Learning business actually predates No Child Left Behind. All of our revenue comes from public funds. We are—the premise of the company is a public-private partnership. So we only work with school districts. And, actually, Mr. Teasley had alluded to this. We have worked with Chicago for years prior to NCLB. We have worked with districts in Louisiana for years——

Mr. PRICE. But in my area in Georgia, if somebody wanted to take a Sylvan learning course, they could——

Mr. COHEN. Different company.

For example, we worked for years in Atlanta public schools where we sat down with the schools and decided which students in which schools needed the greatest help and designed a program exactly as Mr. Teasley was suggesting that would be in—now in a No Child Left Behind world would essentially be a preventive program to look at those students in the disaggregate subgroups, identify which are likely to push the school into an AYP challenge, and design a program to try to prevent that.

Mr. PRICE. I can't remember whether it was you, Mr. Teasley, or Mr. Cohen. You said that we have created an industry.

Mr. COHEN. That was probably me.

Mr. PRICE. And I would—no one can argue with our goal of providing services to students in need. In view of the fact that we have created an industry, is that the best way to reach that goal? I guess this is for everybody.

Mr. COHEN. I guess I will take a stab first.

I think the issue is which goal you are trying to achieve. Our understanding of the supplemental services provisions is that they are supposed to be immediate and in-term in nature.

In other words, we have determined that something is not working right in a school. But we do not want to forsake the students in that school. So we want to give them something extraordinary, something extra. The reason I use the term "industry" is simply because we have created this marketplace. It is new. I think potentially it is a very vibrant marketplace, where we now go to those parents in that school and say you get to make a choice. These are parents that have never had the opportunity to make that choice before.

Mr. PRICE. My time is short. I would be interested in the comments of the other panel members about it. Is this the best way to reach that goal of providing those services for students in need?

Mr. TEASLEY. My quick response is, it is a good way, if not a best way. We have a good 50 additional service providers in the State of Indiana right now as a result of No Child Left Behind. They did not exist before the law was passed. So now you have got 50 additional service providers.

And I think it is important from an educational perspective that we recognize that students learn—have multiple ways of learning. Howard Gardner suggests that there are seven ways that a child learns, whether it is musically, environmentally or otherwise.

Mr. PRICE. That was known before No Child Left Behind.

Mr. TEASLEY. Fine. But we have traditionally—and I hate to use a blanket statement—one system. And we need to. And that is why charter schools are growing across the country. We now have over 3,500 different choices from the system, the one system.

The supplemental service providers, there is 50 different ones in Indiana alone. They do it differently. So I think it is a good thing.

Mr. PRICE. If I can get a quick answer.

Ms. SWANSON. CPS is ultimately committed to highly educating kids. We also welcome choice. We welcome, you know, innovation. We welcome charter schools and contract schools. We have doing that for some years now. But, the bottom line, we do not know if SES is going to do it.

Mr. PRICE. Thank you, Mr. Chairman.

Chairman BOEHNER. The Chair recognizes the gentlewoman from Minnesota.

Ms. WOOLSEY. Mr. Chairman, excuse me. Could I ask unanimous consent to enter my opening statement into the record?

Chairman BOEHNER. Without objection.

[The prepared statement of Ms. Woolsey follows:]

Statement of Hon. Lynn C. Woolsey, a Representative in Congress from the State of California

Thank you, Mr. Chairman, for holding this hearing.

I am pleased that you share the concerns that our Ranking Member, Mr. Miller, I, and others expressed two weeks ago when we requested a hearing on supplemental services.

As we get closer to reauthorization of No Child Left Behind, the first thing we must understand is how it is being implemented and the impact that is having on our children.

And, when it comes to implementation of supplemental services, we have some serious concerns.

An April 4 New York Times article, which I'm sure we all read, suggested that there is little oversight of the quality of instruction offered by supplemental service providers.

The article also described providers inducing parents and students to participate in their programs not by convincing them of their quality, but by offering incentives such as computers and gift certificates.

Despite all this, Bush Administration officials, who like to talk about the importance of accountability for federal funds, have responded that "[w]e want as little regulation as possible so the market can be as vibrant as possible."

If a vibrant market means not knowing whether programs are helping our children learn and bribing parents and children to make educational decisions, I think more oversight is called for.

It is important to remember that this is not about whether one or another specific program is doing a good job today, but about creating a system to ensure that every program is accountable for doing a good job for our children.

It also is important to remember that when, according to a recent survey, only 27 percent of states said there was sufficient NCLB funding to enable them to monitor the quality of supplemental service providers, this also is about this Administration's and this Congress' gross underfunding of NCLB.

For fiscal year 2006, the gap between what the President promised our children and their schools and what he wants to provide them is $12 billion.

That simply is unacceptable.

All of which is why today's hearing is so important.

Again, Mr. Chairman, I thank you for holding this hearing and look forward to listening to our panel.

Chairman BOEHNER. Ms. McCollum.

Ms. MCCOLLUM. Thank you.

I did have an opportunity to read your testimony. As you know, I haven't been sitting here. I have been across the hall where 1 million children just in Africa die every year under the age of 5 of malaria. So, unfortunately, I did not get to hear everything, but my staff has kept me apprised about what is going on. So I have a couple of questions.

I think one of the things that came out loud and clear when I was teaching, as a parent, and from some of the testimony here, lack of parent involvement leads to lack of a child's often ability to get ahead, overcome these struggles and those challenges. Because if it is not important to mom and dad, why should it be important to me?

To that point, an issue of transportation, getting to the supplemental services. Does that then become an additional burden? And I do say burden, because many of our school districts right now, as you know, are facing cutbacks in their dollars. We are expecting more for them, we are giving them less. So the issue of transportation and parental involvement and how that is tracked would be interesting to me.

In charter schools, you often have the ability, and I know in Minnesota, to limit class size in a charter school, where a public school if, you know, 50 more kids show up opening day, 50 more, you find room for them.

So I am curious as to know what are the class size averages for some of these additional learning services that are being provided. Are some done in small group settings? Is this all one on one? When you go through and evaluate, are you paying the same for one on one tutoring as you would for a group of children that are being tutored? Is there a pay scale difference whether I have a highly qualified teacher doing the tutoring versus a paraprofessional versus a student teacher? And all of them can be very effective and used in different ways.

But I am just wondering, if one set of dollars is going out and I am paying $18 per child per session, it doesn't make any difference if it is one on one with a highly qualified teacher, one on one with a student teacher, or if it is , you know, six or eight in a group. Because these dollars are hard—very, very hard to come by. Because we found one of the most determining factors outside of parental involvement and having a highly qualified teacher was the student to teacher ratio.

Sometimes we haven't done a very good job in our public schools funding those schools, providing the infrastructure to have that kind of ratio. So I would be interested in hearing how you are handling the ratio and monitoring it as well as the transportation.

Ms. NOLA-GANEY. Well, I will try to answer a couple of those questions.

First of all, the transportation issue. We have a bonus in our scoring rubric as we scored the providers' applications. If they agree to provide the services at the school, they will get extra points, because it is a burden for the school districts to transport the children as well as it is a burden on the parents.

Also, it depends on, as far as the size of the instruction, the one on one versus small group. It depends on the model that is being proposed in the application. The dollars that we pay range from $18 an hour to $32 an hour. So it depends on the model that is being proposed as to whether we, you know, whether we approve or not. We do not have a feel yet, and we hope to have the feel for whether it is more—one way is more effective than the other as far as the numbers of student-teacher ratio.

Mr. TEASLEY. In our program, we do not provide transportation in Indianapolis. We do provide it in Gary. We are working from three churches in Gary, and they provide the transportation from the school to the church facility. And we also have wrap-around services there, meaning we have a nonteacher who actually calls the parents if the students do not show up, finds out what is going on.

Then we have a certified teacher for every 10 students and an aide, usually a college student, assisting in that 10. So it is a one-to-five ratio, if you look at it in raw numbers like that.

Our program—actually, we have computers for every child. So every child will be sitting down using a software program that focused on math and reading, and actually we provide a pre-test and a post-test to the districts so that they can understand what was accomplished in the time and in how much time.

Since our program—while I appreciate what Louisiana has done on a Statewide basis, we have done that in our own program; and we can connect that up and show it to the district just like that.

We can tell you how many hours the child was on X State standard, and whether they mastered it or not. And if they—you know, and how many of the standards they mastered.

So while it may seem like we have got a one-to-five ratio, quite frankly, we try to get it down to one-to-one, because we have students on computers doing the individualized lesson plan that has been focused for their attention, and then the student teacher and/or the teacher is working individually with a child on their specific needs, whether it is reading or math. That is what we do.

Mr. COHEN. I will try to address a couple of the points that you raised.

On transportation, we agree it is a burden, and our preference is to work in the schools in partnership with the schools, the principals, the classroom teachers, for the most part, while—we are providing SES programs in more than 500 schools across the country. If you visited any of our programs, you would find the vast majority of the teachers are teaching in a six-or-eight-to-one student-teacher ratio. And those teachers are teachers from that school, typically classroom teachers, because we believe that there has to be a connection between what is happening in the classroom and what is happening after school.

We want there to be recognizable continuity. The students are familiar with the teachers. The teachers are familiar with the curriculum. So we find, for our program, that works best.

In terms of the parent outreach issue that you raised, parent involvement is one of the fundamental tenets of all of our programs, not only of our SES programs. We have talked about it. We have talked about it several times during this conversation. But these parents are as equipped as any parents to make good determinations and choices for their children. They just need to get involved, and these programs actually have the opportunity to generate that involvement. We take it as our responsibility to reach out to them. We do it regularly. We have—whether we are hosting dinners or calling them or sending backpack messages or all of the above, we take that very seriously, trying to communicate with the parents. And when you see that communication happen regularly, you are seeing a parent get more involved in their child's education.

Ms. SWANSON. Regarding cost, there is not a lot of difference in the Illinois process right now. Looking at, you know, how many hours of service the tutors—the tutor-student ratios, et al, we are finding—actually, that is in some of our supporting materials. We did provide that to the committee—to say that, really, on the application, that sort of a per student allocation dollar sign with a line, and it is filled out. There is not a lot of background. So we are finding people with a wide range in programs all coming close to that State cap.

That is one of the things that we are advocating for a little more oversight on, particularly with limited dollars, like you said. These do not reach to all of our eligible kids. So we want to get them to as many as possible. Someone needs to be looking at that.

Ms. SWANSON. Regarding transportation, the district has allowed and always in the last few years under the current administration has really invited community agencies into the schools. We have the Boys and Girls Club. We have the YMCA serving in our

schools. We want our schools to function as centers of the community.

We have opened with all of our SES providers and allowed them in the buildings, knowing that particularly our parent population isn't showing up at the school with the mini van and taking all the kids to various programs throughout the city. They are working parents, and they need to have their children safe. So we have opened our buildings to try to avoid the transportation obstacle.

Chairman BOEHNER. Chairman recognizes the gentlelady—the Chair recognizes the gentleman from Nebraska, Mr. Osborne.

Mr. OSBORNE. I am glad you caught that, Mr. Chairman. Thank you.

As you can tell, I have been in and out of here, so you are always at risk of asking a really dumb question, but I just wanted to get up to speed on a couple of issues.

First of all, is it entirely the parents who decide who is going to be tutored? There is not much discretion left to the school as to who receives the supplemental program?

Ms. NOLA-GANEY. I think the school probably advises the parent, yes, but it is ultimately the parents' decision.

Mr. OSBORNE. I am really interested in evaluation of these programs, what works, what doesn't work. And who does that? Does the school? Does the provider? And how do you determine cost effectiveness? I have heard widely a vague set of numbers. Is there any good way that you are getting at that?

Ms. NOLA-GANEY. I will try to answer that.

The law requires the State to monitor and evaluate. Also, the district is required to monitor the provider, the services of the provider.

In Louisiana, we have a data tracking system where we hope to—we have a formal evaluation that is going to be conducted this year, and we hope to be able to track students through our student information system in our State testing program to see if, in fact, the students are making progress. It is very difficult to be able to say that it is just SES services that are affecting the results of the student, because there are other interventions that are going on with the student. So what we are trying to do is take it down to the classroom level and run data on the students who are in the same class who are taking SES, taking advantage of the SES services and those in the same class who are not taking advantage of the SES and see if there is a difference. Those are the types of evaluations we are trying to conduct in Louisiana.

Mr. OSBORNE. Seems like you would have to control for populations. In other words, if most of the kids that you are providing the services are in Title I, if 50 percent of them are from fatherless homes, there is all that data. It seems that accurate follow-up studies require that.

A couple of other questions. Who determines the qualification of the tutors? I mean, you are talking about some pretty fancy numbers here. Is it possible for somebody who has a high school diploma to become a tutor and make $30an hour?

Ms. NOLA-GANEY. The law specifically states that we cannot require that the providers be certified classroom teachers. But we do require quality staff, and we have that in our application.

Mr. OSBORNE. How do you determine quality? Is there an educational level of attainment? Do they have to pass a test? Do they have to show that they have any expertise in teaching or communicating?

Ms. NOLA-GANEY. We do ask in our application that the qualifications of the tutors be given, and we assess that in our scoring rubric. We require that they have a model that the services that they are providing are in fact research based and have evidence of effectiveness.

Mr. OSBORNE. I have two more quick questions, and I hope I can get them in.

Somebody mentioned that some of these kids have a lot of baggage from home and, you know, away from the school; and mentoring does do a good job of addressing some of those issues. Do you see any correlation? Is there any combination of programs where a kid may have a mentor plus a tutor? Is there any attempts to address some of those dysfunctions that handicap a child from being able to learn?

Mr. TEASLEY. I can only comment. We have a counselor and all of our teachers—quite frankly, it may sound silly to say this. Not only do we want to have certified teachers but we look for people with big hearts. Our teachers are literally mentors to a lot of our kids. If you ask the kids what they like most about our school, they said the teachers know their name and the principal knows their name. You ask them what they hate most about our school is that the teachers and the principal knows their name. It works both ways. So we are very much involved with all of the children, not only the ones who we serve during the day at our school but also the after school tutoring program.

Mr. OSBORNE. Can I ask one more question? It seems like there is probably a very wide variety of programs being offered. Do you see any necessity for some standardization? A lot of dollars are being thrown at this, but do you think it would be wise to see what seems to be working and what isn't working and at least some general guidelines that people would have to fall within—looks like kind of a wide-open field right now?

Mr. COHEN. I will try to respond to that.

The reason it seems like it is a wide-open field, as we discussed a bit earlier, is I don't think there has been consensus on how to evaluate what is taking place. But I think the idea of a wide-open field, once providers have been approved, is a good thing. So the onus in the law is on the State to approve providers that can show that their program is going to be effective. They can demonstrate their research bases, can discuss their methodology and can verify that that should be educationally effective.

We want a broad variety of those types of providers in the marketplace. But you have to bolt on to the end of that evaluation to make sure that, while you do have an open playing field, you are comfortable that the open playing field—there is a choice among effective providers.

Mr. OSBORNE. Thank you, Mr. Chairman.

Chairman BOEHNER. If my colleagues would indulge me for a second, I would remind everyone that this entire segment of the education industry is but 3 years old. While there were certainly after

school programs and supplemental programs in the marketplace, the requirement that schools in need of improvement for more than 2 years allow their students to have the supplemental services, has spawned a great deal of interest; and I think the reason we are holding this hearing today is to kind of take note of where are we, what is happening in the marketplace, what is happening in the States to try to kind of keep an eye on this as it develops.

For most States who didn't have accountability systems in place when no No Child Left Behind was signed into law, when we get into this fall we are going to see a larger number of students, quite frankly, qualify for supplemental services, most likely. So it would be a lot more Title I money going into these programs. So I think we are learning a lot, and I am glad we are having the hearing.

The Chair recognizes Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman.

I apologize to the witnesses for being late. I think you know the schedule doesn't allow us to be here all the time. I thank you for your testimony which was in writing.

Ms. Swanson, I thought I might ask you a couple of questions, because I was interested in the materials you provided us. In particular, all your Supplemental Educational Services that you provide—and you may have already testified on this basis—but how is it that you select which providers of that service are qualified in terms of the requirement that they have done this and been successful and have a record of success in the past?

Ms. SWANSON. We don't as a district. It is basically the State puts out an approved list of vendors, and we are to contract with those vendors as parents choose them.

Mr. TIERNEY. You have no say in that at all as a local district. So if you question somebody that the State has on that list if you are not satisfied, is there any recourse for you?

Ms. SWANSON. Not yet. Notably, one provider that we have questioned brought that to the State. The guidelines state, even with that information, they must remain on the approved list for 2 consecutive years; and they have only been on the list once. We will have to offer that choice to parents again next year.

Mr. TIERNEY. You must put that choice out to them even though you have some serious reservations?

Ms. SWANSON. Correct.

Mr. TIERNEY. Is the State monitoring their performance or is the school system monitoring their performance?

Ms. SWANSON. We are. And, again, we have been advised that it shouldn't be our role. Obviously, we need to look at it, but it is the State's role to really monitor and evaluate and judge the effectiveness. That hasn't been happening in Illinois, so the local school district has stepped up into that position.

Mr. TIERNEY. Do you know whether or not the State of Illinois has any system set up to allow that to happen?

Ms. SWANSON. They are working to do that. They have spoken briefly with Louisiana to look at their Web-based monitoring system. CPS is currently contracting and designing a similar Web-based system. Perhaps the State could end up using that one. But, right now, we are going to keep moving forward in trying to see what accountability measures we can add to this.

Mr. TIERNEY. There was some mention of some of the for-profits that are providing these services actually hiring Chicago teachers, teachers from the same system. Are these teachers in the same system that were found not be performing?

Ms. SWANSON. Correct.

Mr. TIERNEY. What is your district's opinion of that?

Ms. SWANSON. I think there is an understanding there is a new cadre of people coming in after school and tutoring, and that is indeed not happening. Our largest provider, admittedly 90 percent of their staff are CPS teachers. Effectively, they are hiring our teachers and using our schools with very similar materials to what we are using in school.

Mr. TIERNEY. Is there a pay differential for what they are getting paid for at the school as opposed to what they get paid during school?

Ms. SWANSON. If they are working for the school district, we are bound by union contract to pay them their hourly rate. If they are working for a private company, they can set the salary. Most of the private providers raise it to the rate, the regular rate, simply knowing that that is what teachers will work for. They have been pretty much equivalent.

Mr. TIERNEY. It has been too early to evaluate the performance of those individuals?

Ms. SWANSON. Yes.

Mr. TIERNEY. Let me ask you about the tuition-based after school program. We have a lot of after school programs, unfortunately, with long waiting lists because some of the funding has been cut back on that, but there has been tremendous success in my district. How are you running your tuition-based program? How do you charge and who gets qualified to participate?

Ms. SWANSON. We actually piloted that program in 10 schools this past year. It really came from parents. Parents approached the school district and—typically our middle-class communities and said we can afford to pay some fees for after school. We have a strong tuition-based prepaid program and other things, and we modeled it off of that. There is a sliding fee scale for parents, depending on what they can pay for the program. It is 2 to 6 p.m., 5 days a week. Some do Saturday programming and summer programming as well. We have one school that does tuition-based program throughout the entire summer. So parents can pay whatever fee that they can pay, and there are discounts for siblings and whatever. I can provide more information.

Mr. TIERNEY. Are you running this right across the district or only in schools that are upper income that can afford the tuition?

Ms. SWANSON. We allowed any school in the district to apply to become a part of the program, and there are 10 schools that parents—that very much wanted the program to be implemented. We are going to expand to another 10, hopefully, each year.

Mr. TIERNEY. Does it appear to you that they are some of the wealthier communities?

Ms. SWANSON. More of middle-class neighborhoods, absolutely.

Mr. TIERNEY. Is there any money other than the tuition money paid for these programs or where does that come from?

Ms. SWANSON. The idea is to make itself sustaining. We give a seed grant from my office of $50,000 to help hire a part-time coordinator.

Mr. TIERNEY. Where did you get that money?

Ms. SWANSON. Local tax dollars. The idea would be with the revenue generated it becomes self-sustaining at the school so it would be no longer relying on Title I or district funds.

Mr. TIERNEY. Did you have similar programs under the 21st century program for nonprofits and others who provided the after school programs? Do you have them or have you had them in the past?

Ms. SWANSON. Absolutely.

Mr. TIERNEY. Do you find that to be successful?

Ms. SWANSON. Absolutely. Last year, 76 percent of our community schools—we call them extensive parent family engagement—showed increased test scores as well as our 21st century sites showed increased test scores on both assessments.

Mr. TIERNEY. How are you doing in capacity?

Ms. SWANSON. All of the money we leveraged gets to about 200,000 kids, about 46 percent of our population. We have a long way to go.

Mr. TIERNEY. Thank you.

Thank you Mr. Chairman.

Mrs. BIGGERT. [Presiding.] Thank you.

I would yield myself 5 minutes; and I, too, apologize. I was on the House floor.

Ms. Swanson, I am glad you are here to represent the Chicago public schools. I have a list from the SES that the district of Chicago—that you are currently serving 83,357 students out of 200,000 that are eligible?

Ms. SWANSON. Yes.

Mrs. BIGGERT. Los Angeles is serving 32,000 students out of 230,000 that are eligible, and New York is serving 60,000 out of 240,000 eligible. I guess my question is, what is happening to these students who are eligible and not receiving these services?

Ms. SWANSON. Specifically in Chicago, we are hoping to get them first into other after school programs if possible. We were able to only stretch the money that far to 80,000 students.

Mrs. BIGGERT. Well, it seems a shame for all of these schools that are in need, obviously. But your $53 million and Los Angeles $50 million and New York is $96 million. So, obviously, these are very important programs that our students aren't getting.

It was my understanding that in negotiations with the Department of Education that you had to say that you would not use summer school, is that correct? In other words, you were going to use the money for the providers in the after school program, but then you would need to have different funds for summer school than you would have seen as a grant?

Ms. SWANSON. Yes. We had offered as well as possible to extend SES into the summer as well, and we have been advised that we can't do that either.

Mrs. BIGGERT. You can't do summer programs?

Ms. SWANSON. We have to do it through local taxpayer dollars.

Mrs. BIGGERT. Is SES to provide summer school for school districts?

Ms. SWANSON. That is out of school time. That would include summer school. But we are being advised that that can't happen.

Mrs. BIGGERT. Do you find that if students don't keep up in the summer, they fall back?

Ms. SWANSON. Absolutely. In fact, that is the judge of whether students advance in certain grades as well.

Mrs. BIGGERT. You might even have more of it by the time you come back in the fall.

Ms. SWANSON. Correct.

Mrs. BIGGERT. Any of you others have that problem? Are you funding for summer school as well?

Ms. NOLA-GANEY. We have a rich array of after school and summer school programs funded by our legislature.

Mrs. BIGGERT. By the State?

Ms. NOLA-GANEY. Right. And we have Federal TANF dollar funds.

Mrs. BIGGERT. So many times when I go back to my district I hear from schools and they say, we can't do foreign language, we can't do enrichment programs, we can't do gifted because we are teaching to the test. How closely is the academic curriculum or the tutoring program aligned with the curriculum to the schools or the teachers?

Maybe I start with you?

Ms. NOLA-GANEY. We do require that there is an alignment, and the provider has to show a very strong alignment with the school district. We have grade level equivalence and State standards. They have to also show that—do they teach to the test? Well, I think that if they teach to the standards, they are, in fact, teaching to the test.

Mrs. BIGGERT. Sometime it is negative when they say teaching to the test. And yet, if they are learning the material——

Ms. NOLA-GANEY. Exactly.

Here is an observation. Our attendance rate drops after the State tests are administered. So maybe that is just an observation.

Mrs. BIGGERT. Mr. Teasley?

Mr. TEASLEY. We don't teach to the district's curriculum. We teach our curriculum which is aligned with the State standards, and we are focused on math and reading. That is all SES is supposed to be focusing on. So that is what we do.

Mr. COHEN. Similar answer. We teach the skill; and, as in Louisiana and every other State, we show how the skills we teach to are aligned to the State education standards. And if, indeed, those State education standards are aligned to the State test, then you have got a match and hopefully the skill attainment that our students receive will be evidenced on the State test.

Mrs. BIGGERT. Do you think you have had to give up other curriculum that you would like, such as the gifted program or——

Mr. COHEN. We are a provider, so—we are actually a provider, so we focus more on academic skills.

Mrs. BIGGERT. Ms. Swanson.

Ms. SWANSON. When we were an SES provider, we were totally aligned with not only our State but our own city standards and

specifically our new math and reading initiatives. We were trying to align what was happening during the day with the out-of-school time as well.

Mrs. BIGGERT. My time has expired.

The gentleman from Illinois, Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Madam Chairman; and I am delighted I had the chance to get back.

I wanted to thank the chairman for having this hearing and for assembling this panel of expert witnesses and, also, especially, for asking Ms. Swanson from the Chicago public school system to come and testify, a system that I have been very close to for a number of years, having taught in it for 6 years during the early phases of my adult life, having been married to a woman who has taught in it for 30 years, and having a sister who just retired as a principal and a sister-in-law that has taught in it for 35 years and a host of friends that have done everything you could possibly do in it.

Thank you all for your testimony. I wish I could say I am excited about the supplemental program, but I am really not. I am not excited about it because its seems to me that too much of the control is taken away from local school districts.

Ever since I have been associated with education or concerned about education, I have always been a strong proponent of what I call local control of schools. I have always been a strong proponent of what I call parental involvement and participation. And I guess what I really don't understand, what is the role of local school districts in the implementation of the supplemental program?

Ms. SWANSON. We understand the guidance to be that we are to help get the choices out to parents, help recruit kids, get parents to make informed choices and help them select tutors and then, obviously, monitor to an extent what is happening in the classrooms. I am not sure it goes much beyond that.

Mr. DAVIS OF ILLINOIS. Anyone else?

Mr. TEASLEY. In Indiana, what the school districts have done regarding SES is inform the parents and invite them to parent nights and sent out mailers telling the families that are qualified for the services that these are the services you can choose from. The district has also entered agreements—purchase order agreements with the service provider.

Now we may have entered an agreement. I believe it was around $200,000 of services that we were supposed to provide to the district. The district wanted into that. And that is, of course, if we met 100 percent of the students and their needs that we were contracted to do.

It is not compulsory education, so we don't necessarily have all the students that we signed up to serve. They come on their own free will. So we don't get the $200,000. But on the district side it is seen as a line as a cost of $200,000. I don't know how they are rectifying it at the end of the day, but that is what I see from my perspective.

In Gary, a little different scenario. They actually had the family fair nights in the fall, and they started the SES programs just in January. So there is actually a 2- or 3-month lag time between the fair night, here is an opportunity, and then the services coming 3

months later. We have actually seen a huge drop-off from the interest that was generated from fair night to the January sign-up time.

And I sure do wish we had the State test to follow at the end of our services, because we don't. In Indiana, we provide our State standard test in the fall. Three weeks after school opens, we all take this test. I assume in other States they are taking the State standardized tests in the spring, which might indeed drive the SES program and the attendance in those States, because it certainly will improve those test scores.

Ms. NOLA-GANEY. In Louisiana, we developed a tool kit for districts to help them implement SES. It has sample contracts, sample letters out to parents, a whole array of things that districts need to do to implement SES.

Mr. DAVIS OF ILLINOIS. I guess part of my frustration is that I am absolutely convinced that the best way to improve reading scores and math scores and school achievement, especially in low-income communities, is to convince the community that education is a priority, that education is, in fact, the key. And that if people buy into the concept, then they will provide much of the motivation, they will provide much of the environment, and they will do what is necessary to help children buy into education as something that they really need to adhere to.

I mean, I just finished, I guess, doing what we call a suspension bill; and we were talking about the Indian community and how the Asian community in this country, of course, has a higher level of economics in terms of median family income, of education. Eighty-seven percent of that population group finishes high school, and 60 percent goes to college. But it is sort of something that is built into the culture of the group.

And I think that, while we can do the top down, you better do this, you better do that, if you don't, you are going to be punished, I think the people are already punished. I think they are punished when they are low achievers, and I think they are punished already, and I am not sure it is going to get the scores up as effectively.

I see my time is up, but let me thank you all for your testimony and for your expertise and the great work that you do. I think that educators are the salt of the earth, pillars of the universe, and I appreciate you being here.

Chairman BOEHNER. [Presiding.] The Chair recognizes the gentlelady from California for 5 minutes, Mrs. Davis.

Mrs. DAVIS OF CALIFORNIA. Thank you, Mr. Chairman.

I want to thank you all as well. You have been here about two-and-a-half hours, and we have been coming in and out and appreciate your patience with this.

I wanted to ask you a few questions. I think at the heart of what we are talking about here today is how to best write and implement legislation that helps kids. Part of my question is whether or not, you know, we got this right, and part of it is in terms of the sequencing. At what point after students have not been achieving do you develop a program that really supports them through the supplemental services? You know, should it have been at the front end, rather than the back end? We all know we would hope that we would have more services for students.

I am reminded of a program started in San Diego that you may be familiar with that is called AVID, Advancement Via Individual Determination. The whole core of that program is to particularly reach middle school students and high school with college tutors in a very supportive atmosphere. And the results of that are extraordinary because, what, 89 percent of kids who would never have gone to college have in fact gone to college because of that program. It is built in not waiting until after students have not been doing particularly well, but support is built in earlier.

What I wanted to ask you about is the timing of the data collection to determine if a program is successful. Do you have a sense that you would feel comfortable in the context—you have been working and your data is reliable—when it is 3 years out from the beginning? 5 years? At what point should we say we know whether or not this has been helpful?

Mr. TEASLEY. I will take a stab at it from a parent's perspective and be real simple about it. I don't think it is too early to evaluate this. I think a child sits down in a program for 1 hour, what is going to be the result at the end of that hour? And our program, we can tell you what the result is. We can't tell you what it will be before the hour, but we can tell you what the result was and what the student did in that hour and if it was productive and if the student didn't do anything.

I don't think it is too early to evaluate this program. You have the number of students in schools in the States and districts, and they say they know how many students are in these programs. OK, what are they learning? How many hours? How many students are in the program? How many teachers are in the program? Tell us about the teachers. Are they certified? Tell us about the programs. Are they using computer-based programs?

I don't think it is too early to evaluate this program. I think you can do it.

Mr. COHEN. Let me add to that, I think you can do it. What we have suggested is that there is a system that we can put in place in terms of validating that the providers have done what they said they are going to do. Every provider in at least most State applications has to detail how they are going to make marked improvement with a student. So the question is, how do you come back after the program and ask the question, did they do what they said they would do in their application?

We pre- and post-test every student, and we painstakingly detail how we deliver our curriculum. Whether it is the State or a third party could come in and watch—do a site visit, do an audit, do surveys with parents, with kids, with teachers, with principals and say, did they do all these things and then, on top of that, deliver to us your pre- and post-test results.

I think the larger question is, how do you relate that to what is happening on State tests? The question we haven't answered is, how much gain are we supposed to see on the State tests?

I can show you—as Mr. Teasley said, I can show you now the pre- and post-test gains that children in our programs are getting. The question is, how do you evaluate that in a broader context of the pressure to see gains on State-standardized tests? Is a seventh grader who is reading at a second grade level, are they supposed

to go to the third grade or catch up to the seventh grade after only 30 hours of tutoring?

Those are questions that haven't been answered yet. There is a void in terms of how do we define success in these programs.

Mrs. DAVIS OF CALIFORNIA. And part of the problem is that we didn't define where that assessment would come from either, am I correct? You are saying that the State really doesn't evaluate. The programs themselves have been doing the evaluation.

Mr. COHEN. But they could.

I just want to echo something Chairman Boehner said. We are only in our second full year of implementation; and the States, at least our experience in working with the States, are very serious about building the resources, building the capacity to do the types of evaluations that we expect.

I had the honor to be invited to a seminar with all the State representatives that the Department of Education hosted, and the whole point of that conversation was to help the States understand what their responsibility is in monitoring this.

So I think this is an evolution. We haven't gotten all the way there yet, but it is too early to determine and say it hasn't worked.

Ms. SWANSON. To add, I think we do need, as Mr. Teasley said, to start looking at this now and evaluating it. We have been collecting data all year in the Chicago public school system. We have far more eligible kids than we have money. We want to make sure the money is used well and the highest quality programs they can get.

You know, I think we heard things about that, eventually, yes, in a true market, this would play out, but that could take years for the sort of few quality providers to really rise to the top. And we are talking about kids. I don't think we should wait 3 years and have them flounder in mediocre programs necessarily. I think we should, you know, evaluate now and make some decisions.

Mr. COHEN. I think that is right, but the patience—and I alluded to this in my testimony. It has been 40 years since Title I has been enacted. We have spent $175 billion in Title I. Last year, we spent $200 million on supplemental services, 2 percent of the yearly Title I, half or more than half of which is controlled by the district. Because something that wasn't discussed here today, most children are in district-run programs across the country, not in private-provider programs. So, relatively speaking, given the $175 billion we spend and the achievement gap we currently have, this experiment seems certainly we should give it more than the 2 years we have given it to see if it takes hold when—given this new choice, an element of selection to parents who never had that before.

Mrs. DAVIS OF CALIFORNIA. I appreciate that. And I think, Mr. Chairman, you mentioned there will be more money flowing and the concern would be whether or not enough communities have the capacity to respond with qualified people to be part of the program. Thank you, Mr. Chairman.

Chairman BOEHNER. Let me thank our witnesses and remind my colleagues and others why we have supplemental services in No Child Left Behind. The whole idea was, if you had a school that was in need of improvement, there had to be some safety valve for those children that were stuck in one of those schools to have an

opportunity to get a chance of a decent education. And that is how we looked at it, as a safety valve.

Mr. Davis, I couldn't agree more with you that I would hope that no child would not be eligible for supplemental services, because those activities are being done, you know, in the regular classroom. I think what is going to happen as we look down the road 5 years, 10 years, schools are going to develop new strategies for how to intervene and how to deal with at-risk children.

But I find this debate about accountability of the supplemental service provider is rather interesting because for 30 years and $175 billion that we gave to our public schools we never asked them to do anything, never asked them to be accountable once; and now, 3 years, we are asking for more accountability in our schools.

While this supplemental service—supplemental service providers, some States are doing a better job than others, it is pretty clear. Hopefully, the other States will increase their accountability assistance.

But I do have one question. Now, Mr. Teasley and Mr. Cohen, you are both, I will say, in the industry; and, Mr. Cohen, I am familiar with your former firm. My daughter was a student at Sylvan at one time, so I have some familiarity with your techniques. But I guess my question is, why don't we see more school systems adopting more unique techniques and strategies for teaching children, especially at-risk children?

I know it might be hard for you to answer because you work with a lot of schools, but——

Mr. COHEN. Actually, we see quite a few school systems and schools adopting the types of techniques. We are talking about supplemental services programs are not classroom instruction programs. They are very different, and they are not meant to be what happens in the classroom during the day. We see this as extra, as supplemental.

We, again, prior to No Child Left Behind had worked with quite literally hundreds of school districts across the country providing these types of services, and many of our colleagues in the industry do the same thing, bringing our what I would call narrow expertise in this one area of providing educational service to partners in schools and school districts and saying we can work together to address the needs of children who have major skill gaps. So, I mean, we saw supplemental services when it was enacted merely as an affirmation of all those programs that had been going on in hundreds and thousands of schools across the country.

Chairman BOEHNER. Mr. Teasley.

Mr. TEASLEY. I have enjoyed listening to Mr. Cohen all day, and this is probably the only part where I have to disagree with him. He has a different perspective, that this is something extra. For us, it is actually what we see what should be going on during the day.

We are a charter school provider and sponsor, and our math and our reading program that we use during the day at our school is the same program we use in the after school for the other kids not from our school. They are from the district. So we would hope that schools throughout the country will look at what is perceived as perhaps extra and do it during the day in the classroom, quite frankly.

I see some of my friends from the Department of Education here who were with me when I went to Gary last year. They were raving about a couple of after school tutoring programs; and they actually said, we sure wish we could do this during the day. I said, why not? They said, the district. Well, then change it. You are the district.

Chairman BOEHNER. Mr. Cohen, I understand your business is providing supplemental services, but the fact that you have to provide supplemental services kind of accepts an indictment of the strategy that goes on during the day.

Mr. COHEN. I actually respectfully disagree.

Chairman BOEHNER. Go ahead. I am trying to understand.

Mr. COHEN. The supplemental services we provide are very targeted programs, typically, as I said, six students to one teacher, maybe 30, maybe 40, maybe 50 hours, but precisely trying to address skill gaps that we have assessed prior to the program. We run every student through an assessment. The burden you would place on public schools to try to accomplish that is really quite unfathomable.

Chairman BOEHNER. It would be a burden under today's strategy for educating children. Now my point is that why wouldn't schools and schools of education begin to look at a strategy of identifying those gaps early on, often during the regular curriculum, during the school day?

Mr. COHEN. I agree with that comment, absolutely; and I think you are seeing that happen. In other words, if you look across school districts and the curriculum or the curricula they are adopting, there is much more of what you are suggesting reflected: assessment at an individual level, more mid-course correction with respect to the delivery of the educational curriculum to address specific individual needs. We feel we are headed in that direction. We are probably not getting there fast enough. But I think that the education reform you see out in the school districts reflects the comment that you made.

Mr. TEASLEY. Mr. Chairman, I don't know if it is a different curricula as it is just different styles of teaching. He has a very different style of teaching than we do. He just mentioned six to one, and we have 10 to one. We also have computers. I don't know what he has. We have to take into account that we have all different kinds of kids coming to us, and we have to provide different styles of teaching, and I would like to see us incorporate that during the day.

Chairman BOEHNER. Ms. Swanson, Ms. Nola-Ganey, do you have anything to add?

Ms. NOLA-GANEY. I think we are doing those things as the school district. We are doing our math and reading initiatives. We do ongoing assessments now and relatively new initiatives in the district the last few years. But we are employing the same strategies and trying to be innovative in the classroom as well as outside the classroom.

The burden is on the school strict to take down barriers to learning. We provide a number of health programs, social services, counselors. As Mr. Teasley talked about the school system he works in, we are doing those as well and then looking at our instruction.

Chairman BOEHNER. According to my good friend, Mr. Miller, who visited the Chicago public school systems last month or so, I guess, he told me that about half of your elementary schools are really doing well and the other half you are continuing to work on. Most urban districts would be thrilled to have such a record at this point.

Ms. NOLA-GANEY. I have to agree with Ms. Swanson. We are doing that.

I will use our Reading First program as an example. I think we have a long way to go, especially with staff development for our teachers, but I think we are headed in that direction; and I am encouraged.

Chairman BOEHNER. Well, I want to thank everyone for their patience.

Hearing is adjourned.

[Whereupon, at 4:15 p.m., the committee was adjourned.]