

*ESEA Reauthorization: Options for Improving NCLB's Measures of Progress*

**Testimony before the House Education and Labor Committee**

**Peter McWalters, Rhode Island  
Commissioner of Elementary and Secondary Education**

**March 21, 2007**

Chairman Miller, Ranking Member McKeon, and members of the Committee, thank you for the opportunity to testify today on improving the ways we measure student progress. My name is Peter McWalters, and I am the Commissioner of Elementary and Secondary Education in the State of Rhode Island, where I have served for 15 years. I am also a past-president of the Council of Chief State School Officers and a former Superintendent of Schools in an urban district, Rochester, New York.

I am pleased to be able to talk with you today as you consider reauthorization of the No Child Left Behind Act. I supported the law in its passage. It represents the best form of federal intent and has pushed the states to focus on success for every student. The emphasis on standards and assessments and on public information was needed at the time, and it has been beneficial to the nation. But now, five years down the road, I think we can see some areas in which the law could and should be modified to help us achieve the goals that we all share.

As CCSSO has said in its recent recommendations regarding NCLB reauthorization, we are in a new stage of standards-based reform. Many of the basic foundations are in place. The question now is: How do we build on and use these foundations to improve student achievement and close achievement gaps? I would submit to you that this will require innovation, capacity, and

judgments that are based on district capacity to respond to specific conditions that have led to low student achievement. We need a federal law that values those things.

As you prepare to reauthorize NCLB, I ask you reconsider three issues:

- how states determine whether schools have met their targets,
- how we publicly identify schools that have missed their targets, and
- how states can best deliver assistance and implement consequences to help schools meet their goals.

As you know, schools may be identified for improvement if they miss any single one of the multiple targets established in the law. And these targets are almost exclusively based on the tests that states administer at seven grade levels.

We are not afraid to use student performance as the ultimate measure of school improvement. Our testing system in Rhode Island, developed with the support of federal funds, is a tristate partnership, under which Rhode Island, New Hampshire, and Vermont established in common a set of grade-level standards and expectations and developed an assessment system lined up with those standards. This partnership, known as the New England Common Assessment Program, is exactly the type of initiative that the Federal government should continue to support.

In addition to our state assessment system, we have in Rhode Island a number of means by which we can – and do – measure school performance. We administer an annual survey to all students, teachers, and parents, and from the results of this SALT Survey we tabulate “Learning Support

Indicators” that measure school climate, instructional practices, and parental involvement. We conduct peer-review visits at every school in the state every five years. Each school is required by law to write an annual School Improvement Plan, and each district writes an annual District Strategic Plan, and these plans are at the center of our work with all schools and districts.

Test results should be the initial measure of the school. But the law should allow states to employ indicators in addition to student performance to determine whether schools and districts are making Adequate Yearly Progress. These indicators could include measures of capacity such as evaluations of school climate, instructional practices, instructional leadership, teacher development, program implementation, and parental engagement. These indicators should be supplementary to assessment results, but they should be allowed as part of the overall determination of school and district progress.

As you know, the NCLB is quite prescriptive in regard to identifying schools and districts that have missed annual targets. Under the terms of the law, all schools that miss even one target are placed in the same status: Identified for Improvement. This label tells us only that the school has failed; it does not tell us why. I have seen a school fall in one year from high performing to insufficient progress because it missed a single target, and we find this hard to explain to the school and to the public at large.

I believe that the law should establish a graduated system of classifications for schools and districts that have been identified for improvement. The identification of schools and districts should include information as to how many targets were missed as well as for how many years.

The identification of schools and districts should also indicate the capacity of the school or district to meet all targets, as determined by indicators other than test results.

Finally, I ask you to reconsider how states develop support systems and intervention strategies for schools and districts that have been identified for improvement. We don't need an intervention system that is based on a scorecard. We need a system that will give us multiple ways to measure all components of the health and the capacity of schools and districts and to offer scaffolded responses based on the needs of the school or district. The system as it stands is not designed to give schools a blueprint for success. It is a retributive system.

We will not shirk our responsibility for raising achievement and closing the achievement gap. But we need the law to value our experience and expertise and give us more options once schools are identified for improvement. Not all schools that miss their targets are in the same condition. Some may be truly dysfunctional institutions in need of a great deal of help – even restructuring. Others may be on task and on the path toward success. How do states know if this is the case? Only through multiple measures – indicators to measure leadership, instructional capacity, school climate, community involvement – can we determine what course to take to help schools meet their goals.

Now that we are five years into implementation of the law, it is obvious that many schools that have missed their annual targets are doing all that they can do within a failing system. That is,

school improvement is often a matter of district capacity. In these cases, state intervention at the school level will do nothing to solve the underlying systemic problems.

When a state intervenes in a school that has missed targets, the state must have on hand a complete picture of the school and district capacities. The law should not prescribe our responses. It should give us the authority to use our best professional judgment to build school improvement. The Rhode Island approach has been to enter into District Negotiated Agreements on program, budget, and personnel with those districts that have missed their annual targets. This is part of our process of Progressive Support & Intervention, which is based on multiple indicators that present information for broader and deeper than assessment results.

We are ready to do the work. To do that, we need from NCLB more than just a scorecard based on student performance and a list of mandated responses. We need indicators to measure all components of the health and capacity of the system. We need intervention strategies that help us build the capacity in each identified school and district. And we need the freedom and capacity to do our work, while always keeping the goals clear and the actions and outcomes transparent so as to improve the public-education system.

I ask, therefore, that you consider revising the prescribed sequence of mandated responses to Title I schools that have been identified for improvement so that states can develop graduated support and intervention strategies that best meet the needs of each identified school.

I have asked you today for a good deal of accountability at the state level, for I believe that the states have the ability to take on this challenge. When Congress passed and the President authorized the NCLB, there was a general sense of impatience with progress that the states had made. The law is therefore both comprehensive and prescriptive in regard to state responsibilities. The states have taken on these responsibilities in a serious and committed manner, and I therefore believe we are ready to move to a new level of shared understanding. States should be able to submit their annual compliance plans, which the Education Department would verify and accept after good-faith peer review

The CCSSO recommendations for NCLB reauthorization include several items that support the points I have brought to you today, including calling on Congress to allow states to include additional relevant data in making judgments about school progress, allowing states to differentiate consequences for schools that have missed their annual targets, investing more in state capacity to assist and intervene in districts and schools that have missed their targets, and creating a new process for innovative models and a greatly revised system of peer review that would allow states to continuously innovate in accountability and other areas – with proper guarantees for results.

Thank you for your attention and leadership on these important issues. I have with me several supportive documents regarding the accountability system in Rhode Island that I would like to present to you for your records, and I look forward to any questions you may have.

