

# HOUSE BILL REPORT

## HJM 4010

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**As Reported by House Committee On:**  
Education

**Brief Description:** Petitioning the President and Congress to fully fund the No Child Left Behind Act of 2001.

**Sponsors:** Representatives Linville, Jarrett, Quall, Williams, Darneille, Kenney, Chase, Ormsby, Simpson, Miloscia, Sells and Schual-Berke; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:**

Education: 2/16/05, 3/2/05 [DPS].

**Brief Summary of Substitute Bill**

- Asks Congress to fully fund the No Child Left Behind Act and to refine the Act's requirements to grant the time, flexibility, and changes necessary to ensure its successful implementation.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

**Staff:** Susan Morrissey (786-7111).

**Background:**

In 2001, Congress amended and reauthorized the Elementary and Secondary Education Act (ESEA). The amended ESEA is known as the No Child Left Behind Act of 2001 (NCLB). Under the NCLB, students must be assessed against state standards in reading/language arts and mathematics in at least one grade in elementary, middle, and high school. Science will be added to the requirements in the 2007-08 school year. In addition, beginning with the 2005-06 school year, assessments in reading and mathematics will be added in third, fifth, sixth, and eighth grades.

Washington must report annually on the percentage of students achieving at grade level on the Washington Assessment of Student Learning (WASL), at the school, district, and state level.

The data from these reports is used to determine whether a school, a district, or the state has achieved adequate yearly progress (AYP) toward federal goals. An increasing percentage of students must pass the WASL each year in order to make AYP.

Reporting for AYP purposes must include the WASL passage percentages for disaggregated or subgroups. The groups categorize students based on race, ethnicity, gender, English language proficiency, disability status, and low-income status. A student's results may be counted more than once if the student fits into one or more of these subgroups. A school is deemed to have failed to make AYP if one or more of its disaggregated student groups does not achieve the requisite level of WASL passage. Similarly, a district is deemed to have failed to make AYP if one or more of its schools does not meet the WASL passage goal, and finally the state is deemed to have failed to make AYP if one or more school districts fails to make AYP. A progressive schedule of annual consequences is imposed for failure to meet AYP for schools and school districts that receive federal Title I funds. There is no consequence for other schools or districts that fail to meet the requirement.

In addition to AYP requirements, the NCLB defines the qualifications needed by teachers and paraprofessionals who work in any facet of classroom instruction. It requires that states develop plans to achieve the goal that all teachers of core academic subjects be highly qualified by the end of the 2005-06 school year. States must include in their annual plans, measurable objectives that schools and districts must meet in moving toward the goal and must report on their progress in the annual report cards.

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**Summary of Substitute Bill:**

Congress is asked to fully fund the NCLB and to refine the act's requirements to grant the time, flexibility, and changes necessary to ensure its successful implementation.

Specifically, Congress should reconsider the limit of 1 percent on the percentage of students who can use special education alternative assessments and consider more appropriate accountability measures for students with limited English proficiency. It should allow the state to incorporate its own accountability goals with the state uniform bar into the accountability system.

Congress should fund the administrative costs associated with required new assessments and the cost associated with staff development, certification upgrades, and course work.

**Substitute Bill Compared to Original Bill:**

Removes language that decries the sanctions in the act and language that suggests that the federal government should assume the cost of getting all students to the state's standards.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Testimony For:** (Original bill) The NCLB was intended to focus on states that didn't have an education reform system in place. Washington was an acknowledged leader in education reform, but its accountability system required a school to improve from its own starting point or baseline, not a starting point based on the average of other schools' achievement levels as is required by the federal law. The federal government must understand that if it puts requirements on school districts, it must fund those requirements. School districts are deluged with unfunded mandates and the NCLB has added to that burden. The state is about \$8 million short of the funding necessary to administer the new assessments required by the NCLB. Some districts, such as Spokane, have about 14 percent of their students in special education programs. The law needs to provide alternative standards and measures for many of these students. The law is also unrealistic in its requirements for students with limited English proficiency. These students should not be assessed before they've been in the country for at least three years. The law is adding to the stress educators already have in their efforts to help all children achieve at high levels. Teachers don't have enough time with students to be able to make some of the dramatic learning improvements required by the NCLB.

**Testimony Against:** None.

**Persons Testifying:** (In support of original bill) Representative Linville, prime sponsor; Mary Alice Heuschel, Office of the Superintendent of Public Instruction; Pat Jones, Bremerton School Board; Karen Davis, Barbara Tompkins, Alan Sutliff, Lisa Brackin Johnson, and Sam Fitzgerald, Washington Education Association.

**Persons Signed In To Testify But Not Testifying:** None.