

# SENATE BILL REPORT

## SJM 8011

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As Reported By Senate Committee On:  
Early Learning & K-12 Education, February 22, 2007

**Brief Description:** Petitioning Congress to raise funding levels of the No Child Left Behind Act.

**Sponsors:** Senators McAuliffe, Clements, Rasmussen, Eide, Oemig, Sheldon, Shin, Kline and Tom; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/19/07, 2/22/07 [DPS, w/oRec].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Joint Memorial No. 8011 be substituted therefor, and the substitute joint memorial do pass.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Holmquist, Ranking Minority Member and Zarelli.

**Staff:** Susan Mielke (786-7422)

**Background:** A joint memorial is a message or petition addressed to the President and/or Congress of the United States, or the head of any other agency of the federal or state government, asking for consideration of some matter of concern to the state or region.

In 2001, Congress authorized the No Child Left Behind Act (NCLB) and the President signed it into law on January 8, 2002. NCLB directed states to establish standards for what all students should know in reading, math, and science. States are required to administer assessments, aligned with the standards, in reading and math for all students in grades three through eight, and one high school grade. Beginning in 2007-08, science must be assessed in at least one grade in elementary, middle, and high school. Additionally, states must participate in the National Assessment of Education Progress (NAEP) sampling of fourth and eighth graders, if the Department of Education pays the costs of administering the NAEP.

Under NCLB, all schools and school districts must ensure that all students are making adequate yearly progress (AYP) such that all students will meet the state standards on the state assessments by 2014. Schools and school districts receiving Title I dollars but not achieving AYP will be identified for improvement or corrective actions, including developing an improvement plan, offering students the option to transfer with transportation provided, and

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providing supplemental educational services from a state-approved provider chosen by the parents.

Additionally, NCLB required states to develop a plan to ensure that all teachers in core academic subjects are highly qualified. Para-professionals in Title I programs must have a high school diploma or GED, and must have two years of study at an institution of higher education or pass a state or local assessment of math, reading, and writing.

The NCLB may be subject to reauthorization in 2007.

**Summary of Bill:** The bill as referred to committee not considered.

**SUMMARY OF RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Early Learning & K-12 Education):** The President, Congress, and the Governor of Washington State are asked to work together with state legislatures to raise the authorized funding levels of the NCLB and to make improvements to address the issues raised in the memorial.

Washington supports all students achieving at high levels and welcomes the focus on quality education brought by NCLB. However, the reauthorization provides an opportunity for essential changes.

Among the issues raised:

- Limited English proficient students should not be included in overall accountability for at least three years.
- Students with disabilities need appropriate assessments not limited to their grade level.
- The uniform bar of performance by all students should be replaced by realistic requirements for continuous improvement.
- Unless appropriate funding is provided for annual large-scale assessments, states should be allowed to assess in selected years rather than annually. Even if funding is available, states should be able to use a variety of ways of assessing progress.
- The AYP provisions are overly prescriptive and rigid.
- States need flexibility in meeting the "highly qualified" requirements for teachers.
- The NCLB imposes significant costs to the state, local school districts, teachers, and paraprofessionals.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Staff Summary of Public Testimony:** PRO: We have tried to pass a joint memorial to make changes in NCLB for the past three years but since this is the first year that Congress can reauthorize NCLB this is the year that we really need to send a message, in a unified way, to Congress and the President. While we support the goals of NCLB and believe they have been very beneficial to many of our students we need to make some changes in the implementation of the law. Many national associations, including the governors', chief school officers', and superintendents', are in support of the kind of changes suggested by this joint memorial. Under NCLB, English language learners are required to take the state test after being in the

country for one year. English proficiency is important for these students' future but we oppose this requirement. The research shows that language acquisition takes three to seven years. Beginning level English language learners are not ready for a test designed to assess their academic skills the same as students who have been learning English all of their lives. This acts as a disincentive and has negative consequences for English language learners. We have alternatives for children with disabilities but the feds took one of the alternatives away. We need to have tests that are appropriate for children with disabilities otherwise the children will feel embarrassed, humiliated, and traumatized when they cannot read the test or perform on the test. These changes are necessary so that we don't lose the power of NCLB.

**Persons Testifying:** PRO: Senator McAuliffe, prime sponsor; Karen Davis, Washington Education Association; Clair Cehan, Kent School District; Paula Wood, North Kitsap School District; Charlie Harrington, North Thurston School District; Barbara Mertens, Washington Association of School Administrators; Dan Steele, Washington State School Directors' Association.