

*NASTID LEGISLATIVE RECOMMENDATIONS  
FOR THE  
REAUTHORIZATION OF THE  
ELEMENTARY AND SECONDARY ACT*

The reauthorization of the Elementary and Secondary Education Act (ESEA) is generating many significant issues and proposals for its improvement. The National Association of State Title I Directors (NASTID) supports the increased achievement of all students to be successful in the 21<sup>st</sup> Century and has proposed recommendations that improve the implementation of No Child Left Behind (NCLB). The promise of NCLB will be realized when its implementation is streamlined and adequate resources are available.

NASTID is an organization of state-level educational Title I directors whose charge is implementation of Title I, the largest program under the ESEA as amended by the No Child Left Behind Act of 2001 (NCLB). The members have deep knowledge of the statute developed from daily experience over the duration of the law. The following is offered as a set of state-level recommendations to work within the general framework of NCLB and to assist the nation in reaching the critically important goal of success for each student, school, and district.

A summary of the proposed changes across seven critical topics is presented below, followed by a detailed discussion of the rationale and intention supporting each of the recommendations.

**RECOMMENDATIONS**

**Accountability Systems**

1. States are provided the flexibility to design and implement their own accountability systems which ensure universal proficiency in reading and mathematics.
2. Each SEA makes accountability decisions on a timeline that enables the most effective use of finalized assessment data given the diversity of state testing schedules and school calendars.

**Determination of School Improvement Status**

3. The SEA identifies schools and districts for improvement based on not making AYP in the same subgroup and same content area for two consecutive years.

**Public School Choice and Supplemental Educational Services**

4. Districts may pay for reasonable administrative costs from the 20 percent set aside to implement supplemental educational services (SES) and public school choice.

5. SEAs receive additional federal funding to fulfill their administrative responsibilities for public school choice and supplemental educational services (SES).
6. Provided the LEA is in compliance with parent notification requirements and there is a good faith effort to expend the funds, with SEA approval, districts are permitted to annually exceed the 15 percent carryover by the amount of unspent Title I funds set aside for public school choice and supplemental educational services (SES).
7. Public school choice and supplemental educational services (SES) are offered first to low performing students, if additional capacity exists, to economically disadvantaged students, and then to other students in the Title I school.
8. Districts determine which service to provide - public school choice, or supplemental educational services (SES), or both for schools identified in the first year of improvement.
9. Supplemental educational services (SES) providers' employees who provide direct instructional services to students meet the state definition of highly qualified teachers.

#### **Highly Qualified Teachers**

10. States use their High Objective Uniform State Standard of Evaluation (HOUSSE) provision as an option to meet the highly qualified teacher requirements of NCLB.

#### **School Improvement Funding**

11. The federal government provides SEAs ongoing, adequate, and dedicated funding to support district and school improvement efforts.

#### **English Language Learners**

12. SEAs may grant an exemption from participation in the state content assessments in reading/language arts and mathematics to limited English proficient students during their first 3 years in U.S. schools, or until they have reached proficiency on the annual English language proficiency assessment, whichever comes first.

#### **Resources and Funding**

13. The federal government provides adequate and sustainable resources and funding to achieve the goals of No Child Left Behind (NCLB).

**TOPIC I: ACCOUNTABILITY SYSTEMS**

**Recommendation 1: States are provided the flexibility to design and implement their own accountability systems which ensure universal proficiency in reading and mathematics.**

- **Citation: Section 1111(b)(F)(2) Accountability.**
- **Rationale:** Research indicates that all students can reach proficiency. We recognize that some students need additional time and differentiated instruction to meet that goal. We recommend that states have the flexibility to develop and implement valid and reliable accountability systems of their own design that ensure universal proficiency in reading and mathematics.

**Recommendation 2: Each SEA makes accountability decisions on a timeline that enables the most effective use of finalized assessment data given the diversity of state testing schedules and school calendars.**

- **Citation: Section 1111(b)(10) Use of academic assessment results to improve student academic achievement.**
- **Rationale:** NCLB assessment data are used both for instructional and school, district, and state accountability purposes. The existing timeline for annual accountability reports dictates the testing cycle. Therefore, the assessment results do not reflect the full year of instruction.

Increasingly, school calendars vary from the traditional after-Labor Day start. Schools should continue to be measured and held accountable *by permitting the use of prior year finalized data*. The following could occur:

- Districts and schools test their students at the end of the school year;
- SEAs and districts have adequate time to process the data for quality, accuracy, and completeness;
- Schools and districts have sufficient time to communicate final AYP results to parents; and
- Final data allows for sound decisions and appropriate notification of parents and community.

## TOPIC II: DETERMINATION OF SCHOOL IMPROVEMENT STATUS

**Recommendation 3: The SEA identifies schools and districts for improvement based on not making AYP in the same subgroup and same content area for two consecutive years.**

- **Citation: Section 1003 (c) School Improvement**
- **Rationale:** Schools and districts are held to a high level of accountability for their subgroups under NCLB. Under current policy, a school or district could be identified for improvement if different subgroups do not make AYP in the same content area for two consecutive years. Each of the subgroups, however, may make AYP in that same content area in the following year and schools and districts are credited for that success. Clearly, it does not make sense to make AYP decisions on one year's worth of data in a content area; the same holds true for one subgroup's performance in a single year. This practice does not represent or incorporate sound education measurement.

## TOPIC III: PUBLIC SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES (SES)

**Recommendation 4: Districts may pay for reasonable administrative costs from the 20 percent set aside to implement supplemental educational services (SES) and public school choice.**

- **Citation: Section 1116(b)(10)(A) Funds for Transportation and Supplemental Educational Services**
- **Rationale:** Operation of the public school choice and supplemental educational services involves substantial administrative time and resources at the local level to ensure compliance with these added requirements. Administering these services includes the implementation and coordination of services, parental notifications, provider agreements/contracts, individual student learning plans, payment for services, tracking of costs, transportation/bus schedules, and data collection

**Recommendation 5: SEAs receive additional federal funding to fulfill their administrative responsibilities for public school choice and supplemental educational services (SES).**

- **Citation: Section 1116(b)(14)**
- **Rationale:** Administration of these two mandated services at the SEA level is labor-and time-intensive. SEAs are given additional funding to

cover the costs of developing state regulations for public school choice and SES, application procedures for SES, approving SES providers, monitoring and evaluating SES providers and their effectiveness, providing guidance and technical assistance to schools and districts about the two services, monitoring school and district implementation of the services, and collecting and reporting data.

**Recommendation 6: Provided the LEA is in compliance with parent notification requirements and there is a good faith effort to expend the funds and with SEA approval, districts are permitted to annually exceed the 15 percent carryover by the amount of unspent Title I funds set aside for public school choice and supplemental educational services (SES).**

- **Citation: Section 1116 (b)(14)(c)**
- **Rationale:** Districts with schools in need of improvement are required to set aside an equivalent of 20 percent of their Title I allocations to fund public school choice and SES each school year. The reservation of funds for availability frequently extends beyond district deadlines to reallocate funds within their budgets. These unused funds may cause districts' carryover amounts to exceed the 15 percent carryover limitation, thus requiring SEA approval for use. However, such carryover waiver requests can only be granted once every three years. Yearly SEA approval for carry over of unused public school choice and SES funds beyond the 15 percent limit would extend the use of funds. This would encourage the effective use of these Title I funds.

**Recommendation 7: Public school choice and supplemental educational services (SES) are offered first to low performing students, if additional capacity exists, to economically disadvantaged students, and then to other students in the Title I school.**

- **Citation: Section 1116 (b)(7)(A)**
- **Rationale:** As with any Title I-funded support, the students in greatest academic need – those most at risk of not reaching the state's standards – are served first. The highest priority for these services is low-performing students. If additional capacity exists, economically disadvantaged students and then other students would be offered these services.

**Recommendation 8: Districts determine which service to provide - public school choice or supplemental educational services (SES) or both for schools identified in the first year of improvement.**

- **Citation: Section 1116(b)(7)**
- **Rationale:** Currently schools offer choice in the first level of improvement and add SES in subsequent years. The recommendation provides for flexibility so that districts may choose the order of these services and ensures that parents still have an option for their children. This district decision is based upon a variety of local factors, which *may* include proximity to the nearest school not in school improvement, parent and community input, and availability of state-approved supplemental educational services (SES) providers.

**Recommendation 9: Supplemental educational services (SES) providers' employees who provide direct instructional services to students meet the state definition of highly qualified teachers.**

- **Citation: Section 1116(c)(5) Criteria for Providers**
- **Rationale:** A cornerstone of NCLB is that highly qualified teachers are necessary for all students to reach academic proficiency. Therefore, it is imperative that approved SES providers employ tutors who meet the state's definition for highly qualified teachers. All federal dollars spent on instructional services for our most struggling students must be provided by highly qualified teachers.

**TOPIC IV: HIGHLY QUALIFIED TEACHERS**

**Recommendation 10: States use their High Objective Uniform State Standard of Evaluation (HOUSSE) provision as an option to meet the highly qualified teacher requirements of NCLB.**

- **Citation: Section 9101 (23)(h)(ii)**
- **Rationale:** Teacher quality is one of the most significant parts of NCLB. It is clearly important that children who struggle in the core subject areas have the best teachers and the most effective instruction. States continue to use their High Objective Uniform State Standard of Evaluation (HOUSSE) provision as an option for teachers to demonstrate content expertise.

**TOPIC V: DISTRICT AND SCHOOL IMPROVEMENT FUNDING**

**Recommendation 11: The federal government provides SEAs ongoing, adequate, and dedicated funding to support district and school improvement efforts.**

- **Citation: Section 1002(b) (i) Authorization.**

- **Rationale:** It is critical for improvement efforts to be well-funded and sufficient in scope to support districts and schools identified as in need of improvement. States need access to dependable funding for struggling schools and districts. Due to the “hold harmless” provision of NCLB, states with declining allocations are not currently able to reserve the full four percent set-aside funds for district and school improvement. The SEA should have the flexibility to determine the use of these funds for district and school improvement efforts.

## TOPIC VI: ENGLISH LANGUAGE LEARNERS (ELLS)

**Recommendation 12: SEAs may grant an exemption from participation in the state content assessments in reading/language arts and mathematics to limited English proficient students during their first 3 years in U.S. schools, or until they have reached proficiency on the annual English language proficiency assessment, whichever comes first.**

- **Citation: Section 1111(b)(3)(C)(ix)(III) English Language Learners (ELLS)**
- **Rationale:** We support the inclusion of the English Language Learners (ELLS) subgroup as one of the elements upon which to base AYP determinations. States, however, should have the option to exempt ELLs in their first three years of enrollment in U.S. schools or until ELLs demonstrate proficiency on the State’s assessment of English language proficiency.

## TOPIC VII: RESOURCES AND FUNDING

**Recommendation 13: The federal government provides adequate and sustainable resources and funding to achieve the goals of No Child Left Behind (NCLB).**

- **Rationale:** In 1965, President Lyndon Johnson signed the Elementary and Secondary Education Act (ESEA) into law as the cornerstone of federal education policy designed to narrow the achievement gap between economically disadvantaged students and their wealthier counterparts and between minority and white students. With the enactment of NCLB in 2002, our nation raised the bar for states, districts, and schools in accomplishing this goal by requiring increased accountability.

By enacting the ESEA in 1965, President Johnson and his congressional colleagues understood the importance of federal support to help states and local communities provide the skills and

education to all children in our country, regardless of their family backgrounds. With the bipartisan support from Congress, NCLB expanded that initial vision by adding accountability for results. With the reauthorization of the ESEA pending, the federal resources necessary to ensure that our nation is not left behind in the economic global marketplace must be increased and directed at the classrooms where our children prepare for their futures.<sup>i</sup>

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<sup>i</sup> The recommendations included in this document represent the consensus of the organization; it does not necessarily represent the views of the individual members.