

EDUCATION SUBCOMMITTEE B

NO CHILD LEFT BEHIND

SUBCOMMITTEE REPORT

January 9, 2007



JOINT STANDING COMMITTEE ON EDUCATION

EDUCATION SUBCOMMITTEE B

MEMBERS

SENATE

Jon Blair Hunter, Chair

Larry J. Edgell

Michael A. Oliverio, II

Robert H. Plymale

John J. Unger, II

Clark Barnes

Donna J. Boley

Jesse O. Guills

HOUSE

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Sharon Spencer, Vice Chair

Robert D. Beach

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Gerald Crosier

Ron Fragale

Linda Longstreth

Tom Louisos

Charlene Marshall

Mary M. Poling

Dale Stephens

Danny Wells

Larry A. Williams

Ray Canterbury

Patrick Lane

Otis A. Leggett

Debbie Stevens

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MINUTES

Sunday, June 11, 2006

1:00 - 2:00 p.m.

House Finance Committee Room

Delegate Paxton called the meeting to order and directed staff to conduct a roll call. Senators present were: Plymale, Unger, Barnes and Guills. Delegates present were: Beach, Crosier, Fragale, Longstreth, Louisos, Marshall, Poling, Stephens, Wells, Williams, Lane, Leggett, Stevens, Spencer, Vice Chair, and Paxton, Chair.

Delegate Paxton called the meeting to order, and directed staff to conduct a roll call.

Delegate Paxton recognized Dr. Jan Barth, Executive Director, Office of Student Assessment Services, West Virginia Department of Education (WVDE), to provide a brief history of "No Child Left Behind" (NCLB) [*Elementary and Secondary Education Act*]. Dr. Barth presented the history of NCLB and West Virginia's current status in the federal approval process. Dr. Barth responded to questions from Subcommittee members. The Subcommittee requested that Dr. Barth provide information at a future meeting regarding the levels of federal funding during the past five years.

Delegate Paxton next recognized Dr. Jack McClanahan, Deputy State Superintendent, WVDE. Dr. McClanahan discussed the West Virginia plan for implementing NCLB, efforts to acquire funding for the plan, and the WVDE goal to get WV students to achieve above the mastery level. Senator Plymale discussed analyzing the cost of getting WV students to achieve proficiency. Dr. McClanahan responded to questions from Subcommittee members.

There being no further business, and upon motion by Delegate Louisos, the meeting was adjourned.

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MINUTES

Monday, July 24, 2006

4:00 - 5:00 p.m.

House Judiciary Committee Room

Senator Hunter called the meeting to order and directed staff to conduct a silent roll call. Senators present were: Edgell, Unger, Guills and Hunter, Chair. Delegates present were: Campbell, Canterbury, Crosier, Fragale, Louisos, Marshall, Poling, Stephens, Wells, Williams, Lane, Leggett, Stevens, Spencer, Vice Chair, and Paxton, Chair.

Upon motion by Delegate Paxton, the minutes from the June 11, 2006, meeting were approved.

Senator Hunter recognized Robert E. Baker, Jr., Secretary's Regional Representative, United States Department of Education, to present an update on the "No Child Left Behind" (NCLB) [*Elementary and Secondary Education Act*]. Mr. Baker provided a history of NCLB, along with information regarding national labor and education statistics and historical and projected federal funding levels.

There being no further business, and upon motion by Delegate Canterbury, the meeting was adjourned.

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MINUTES

Wednesday, September 13, 2006

1:00 - 3:00 p.m.

House Judiciary Committee Room

Senator Hunter called the meeting to order and directed staff to conduct a silent roll call. Senators present were: Plymale, Barnes and Hunter, Chair. Delegates present were: Beach, Campbell, Crosier, Fragale, Longstreth, Louisos, Marshall, Poling, Stephens, Wells, Lane, Leggett, Stevens, Spencer, Vice Chair, and Paxton, Chair.

Upon motion by Delegate Paxton, the minutes from the July 24, 2006, meeting were approved.

Senator Hunter recognized Dr. Robert M. Palaich, representing Augenblick, Palaich and Associates, Inc. (APA), to present a status report on the No Child Left Behind cost study being performed by APA as commissioned by the West Virginia Legislature's Joint Committee on Government and Finance. Dr. Palaich discussed the issues that determine cost, the process undertaken to date for gathering necessary West Virginia data, and how result will be determined. Dr. Palaich responded to questions from subcommittee members.

There being no further business, and upon motion by Delegate Stevens, the meeting was adjourned.

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MINUTES

**Monday, October 16, 2006
5:00 - 7:00 p.m.
House Judiciary Committee Room**

Senator Hunter called the meeting to order and directed staff to conduct a silent roll call. Senators present were: Plymale, Barnes and Hunter, Chair. Delegates present were: Crosier, Fragale, Louisos, Stephens, Wells, Williams, Lane, Leggett, Stevens, Spencer, Vice Chair, and Paxton, Chair.

Upon motion by Delegate Paxton, the minutes from the September 13, 2006 meeting were approved.

Senator Hunter recognized David Shreve, National Conference of State Legislatures, to discuss the No Child Left Behind Act. Specifically, Mr. Shreve discussed issues such as reauthorization of the Act, the federal role in education reform, adequate yearly progress and the costs associated with the Act. Mr. Shreve responded to questions from subcommittee members.

Next, Bob Brown, West Virginia School Service Personnel Association, discussed the general impact of No Child Left Behind, the impact on paraprofessionals and the possibility of No Child Left Behind being an attempt by some to transfer students from public to private schools.

Judy Hale, West Virginia Federation of Teachers, discussed the American Federation of Teacher's recommendations for No Child Left Behind in the areas of assessment and accountability, school improvement interventions, staffing schools, funding and systemwide accountability. Additionally, she mentioned the possibility that No Child Left Behind may be an attempt to ensure that all public schools fail.

Charlie Delauder, West Virginia Education Association, said they were trying to take a more positive attitude about No Child Left Behind. He said the main thing left out of NCLB was parental involvement. He also stated that he would like to see the elimination of the one size fits all approach to testing.

Lastly, Jan Barth provided the Subcommittee with an update of the Augenblick, Palaich and Associates cost study.

There being no further business, and upon motion by Delegate Williams, the meeting was adjourned.

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MINUTES

Tuesday, November 14, 2006
12:00 - 1:00 p.m.
House Judiciary Committee Room

Senator Hunter called the meeting to order and directed staff to conduct a silent roll call. Senators present were: Oliverio, Plymale, Unger, Barnes and Hunter, Chair. Delegates present were: Crosier, Fragale, Poling, Stephens, Wells, Lane, Leggett, Stevens and Paxton, Chair.

Upon motion by Delegate Paxton, the minutes from the October 16, 2006, meeting were approved.

Senator Hunter recognized Dr. Jan Barth, Executive Director, Office of Student Assessment Services, West Virginia Department of Education, to discuss recommendations for the reauthorization of the Elementary and Secondary Education Act. Dr. Barth also provided the subcommittee with an update regarding the NCLB cost study being performed by Augenblick, Palaich and Associates, Inc. Dr. Barth responded to questions from subcommittee members.

Senator Plymale requested that a resolution be drafted to thank the West Virginia Board of Education for its cooperation regarding the NCLB study.

There being no further business, and upon motion by Senator Unger, the meeting was adjourned.

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MINUTES

Monday, December 11, 2006

6:00 - 8:00 p.m.

House Judiciary Committee Room

Delegate Paxton called the meeting to order and directed staff to conduct a silent roll call. Senators present were: Edgell, Oliverio, Barnes, Guills and Hunter, Chair. Delegates present were: Campbell, Canterbury, Crosier, Marshall, Poling, Lane, Stevens and Paxton, Chair.

Upon motion by Senator Hunter, the minutes from the November 14, 2006, meeting were approved.

Upon motion by Senator Hunter, the subcommittee unanimously approved recommendations regarding the reauthorization of the federal Elementary and Secondary Education Act (No Child Left Behind) as presented for submission to the Joint Standing Committee on Education. The recommendations generally related to funding, graduation rates, assessment and testing, accountability, adequate yearly progress, teacher quality, standards improvement, professional development, ICT literacy, research and development, and twenty-first century skills.

Delegate Paxton recognized Robert Palaich and John Myers, representing Augenblick, Palaich and Associates, Inc. (APA), to report on the NCLB cost study being performed by APA. Mr. Palaich and Mr. Myers responded to questions from subcommittee members.

There being no further business, and upon motion by Senator Hunter, the meeting was adjourned.

ESEA (NCLB) Reauthorization Recommendations

As proposed by the West Virginia Department of Education:

I. Funding Issues

- Continue and expand funding
 - Fully fund special education
 - Fund the Title III requirement for annual English proficiency assessment in terms of development, scoring, and reporting requirements.
 - Maintain continuous funding Title VI assessment monies as per current monies are allocated through 2007
 - Fund the required 8th grade technology assessment
- Appropriate professional development funds to drive the massive changes in SEAs and local education agencies (LEAs); such as instructional practice; assessment administration, interpretation and instructional application
- In order to meet proficiency requirements, provide state department of education (SEAs) with ongoing, adequate and dedicated funding to support district and school improvement efforts
- Provide more flexibility with funding allocations

II. Graduation Rate

- Provide flexibility to include a broader definition of graduation which takes into account student's completion of the graduation, regardless of the years taken to graduate

III. Assessment

- Define adequate requirements for technical data prior to the requiring of mandatory assessments (for example, Alternate Assessment, Modified Assessment, and/or 8th Grade Technology Assessment)
- Require content standards be developed to include 21st century skills and assessments be aligned to 21st century content standards

IV. Accountability and Adequate Yearly Progress (AYP)

- If a state raises its content standards and assessments to rigorous standards of achievement, provide flexibility to schools and counties in the AYP calculations

V. Teacher Quality

- Provide for additional funding for teacher quality, recruitment and retention (teacher quality is at the heart of school improvement but is the least developed part of NCLB)
- Reduce emphasis on teacher credential requirements

As recommended by the Partnership for 21st Century Skills:

I. Standards Improvement

- Include language related to the integration of 21st century skills into state standards of the three subjects already identified by the Act (math, reading science)
- Incorporate “21st century skills” as part of the definition/description of “challenging academic content standards”

II. Assessment

- An expanded approach to assessment, involving measurements that assess 21st century skills, is necessary to ensure accountability of schools in the 21st century
- Assessment of 21st century skills should be listed as an integral part of the academic assessments in math, reading and science/reporting requirements on whether the student is achieving 21st century skills

III. Professional Development

- Professional development guidelines should be revised to include an increase in the number of highly qualified teachers who are trained in the instruction of 21st century skills

IV. ICT Literacy

- Transition the 8th grade technology literacy requirement into an ICT Literacy requirement, so that the focus is not on technology competency, but the ability to use technology to perform critical thinking, problem solving, collaboration, communication and innovation skills

V. Research & Development

- The Act should provide support for state research and development initiatives, within the state university system and/or possibly others, that will identify through scientifically-based research the best practices for teaching, attaining and measuring 21st century skills

VI. AYP Flexibility

- If a state raises its standards in order to better prepare students to compete with their international peers, (by integrating 21st century skills, into state standards, for example), affected schools in these states should be allowed some flexibility – perhaps a 21st century skills waiver – in evaluating their AYP requirements

VII. 21st Century Skills Definition

- NCLB should contain a definition of “21st century skills” with a current description of the P21 framework

Additional Recommendations:

Eliminate the "one size fits all approach to testing"

- Include English language learners (ELLs) appropriately in assessment and accountability systems by extending the exemption from having test scores included in AYP beyond the current one-year exemption period
- Include students with disabilities appropriately in assessment and accountability systems by increasing the percentage of students that may participate in modified or alternate assessments

The Subcommittee also endorses the three broad recommendations of the Council of Chief State School Officers (CCSSO) contained in the "CCSSO Policy Statement on the Reauthorization of the Elementary and Secondary Education Act, October 2006".

**State and Local Costs of
The No Child Left Behind Act
In West Virginia**

Prepared By

Robert Palaich,
John Augenblick,
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and
Amanda R. Brown

**Augenblick, Palaich and Associates, Inc.
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Executive Summary

This report presents the findings of a study of No Child Left Behind Act (NCLB) costs undertaken by Augenblick, Palaich and Associates, Inc. (APA) for the NCLB Interim Sub-Committee of the West Virginia Legislature. This report focuses on the state and district level cost impact of NCLB since the federal legislation was enacted in 2001, with state projections and district projections extending through 2010-11.

For purposes of the West Virginia study, the cost of NCLB is defined in two ways, the cost of compliance and the cost of prevention. The cost of *NCLB compliance* is the value of the resources – both time and materials – a state needs to:

1. Implement the *explicit* requirements of NCLB that are related to accountability (including the development and implementation of school and school district performance standards, assessments to measure student performance, and consequences of not meeting performance expectations);
2. Meet any *new* requirements of NCLB that go beyond what had been required under the previous reauthorization of the Elementary and Secondary Education Act (ESEA) – such as requirements about the qualifications of educators who work with students; and

3. Administer all new aspects of NCLB, including managing the numerous federal grant programs it supports.

The cost of *NCLB prevention* is the value of the resources – both time and materials – a state needs to:

4. Implement the prevention steps taken to help students meet specific performance targets and avoiding the negative school and district consequences of NCLB through 2011.

Utilizing a series of Microsoft Excel-based templates, APA provided a detailed framework of NCLB requirements that states must meet and districts must respond to comply with the law. The framework was drawn from a close reading of NCLB legislation and the regulations and non-regulatory guidance issued by the U.S. Department of Education. Finally, the framework was reviewed and modified by members of the Council of Chief State School Officers' NCLB Cost Consortium. It is organized around seven cost-driving NCLB *components* that APA has identified, including:

Component 1A	Standards and Assessments;
Component 1B	Accountability;
Component 2A	Technical Assistance for LEAs and Schools;
Component 2B	School Choice and Supplemental Services;
Component 3	High Quality Educators;
Component 4	NCLB Data Management; and
Component 5	Administration of NCLB.

The APA framework further breaks down these components into uniform subset *areas* and associated *tasks*. For instance, under Component 1A, there are a set of required areas which every state must address regarding the creation of state standards and assessments for reading, math and science. Within these requirement areas, the framework further delineates a standard series of associated tasks, such as the need to develop and disseminate support materials and to train educators. Department of Education staff as well as district education leaders, business officers and federal program directors completed the templates that generated the estimates presented in this report.

The resulting estimate for West Virginia at the **state level** indicates that the cost of complying with or implementing NCLB using the above definitions ranged from \$2 to \$4 million per year for the school years between 2002-03 and 2010-11. At the state level, the costliest components of NCLB are those relating to standards and assessment, high quality educators and the on-going administration of the program.

The resulting estimate for West Virginia at the **school district level** indicates that the cost of compliance and prevention using the above definitions ranged from \$67.3 million per year in 2003-04 to \$154.0 in 2010-11.

Combining **state and school district** costs, the cost in 2003-04 was \$71.8 million and in 2010-11 was \$155.7.