
Committee Meeting

of

ASSEMBLY EDUCATION COMMITTEE

*"Testimony from invited guests on the implementation
and impact of the No Child Left Behind Act of 2001"*

LOCATION: New Jersey Institute of Technology
Newark, New Jersey

DATE: April 30, 2007
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Craig A. Stanley, Chair
Assemblywoman Joan M. Voss, Vice Chair
Assemblywoman Oadline D. Truitt



ALSO PRESENT:

Kathleen Fazzari
*Office of Legislative Services
Committee Aide*

R. Thurman Barnes
*Assembly Majority
Committee Aide*

Natalie A. Collins
*Assembly Republican
Committee Aide*

***Meeting Recorded and Transcribed by
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R O B E R T A. A L T E N K I R C H, Ph.D.: (speaking off microphone) I'd like to welcome everyone to NJIT.

My name is Bob Altenkirch, and the President here. And the Chairman asked me to welcome everyone. And I'm really glad to have our facilities used by public events such as this. We do it often. And we try to provide as good a hospitality as we can.

I noticed that one young lady over here has some food -- the food in the cafeteria is great. Avail yourself of that.

If you haven't been to NJIT recently, take a walk around the campus. We have spent a lot of time improving the physical environment of the campus, as well as the sort of quality-of-life issues on the campus, in general.

So welcome. And I'm going to turn it over to Chairman Stanley on this very important topic that takes a look at the impact of No Child Left Behind.

So thanks for coming.

ASSEMBLYMAN CRAIG A. STANLEY (Chair): Thank you very much, Dr. Altenkirch. It's certainly great to be at the New Jersey Institute of Technology, one of the premiere institutions not just in the State of New Jersey, but in the country. Certainly, I don't believe there's any finer leadership in an institution of higher learning than Bob Altenkirch and his leadership team here -- have done extraordinary work. And if you've read any of the commentary on colleges and institutions of higher learning in the country, you'll know that NJIT is certainly a nationally ranked institutions. So we can be very proud of the work that they've done,

and certainly happy to be here. And they've always been very hospitable, and we certainly appreciate them lending their facilities to us here.

As someone who's been around the country with respect to education -- higher education, as well as K-12 -- it's very important -- the partnerships between K-12 and higher education, to improve outcomes in the education of the entire constituency; of the entire country for that matter.

Let me thank the members of the Committee for taking time out to come and participate in this hearing. Many of you know that New Jersey residents, the New Jersey State Constitution, and the New Jersey Supreme Court have put a tremendous emphasis on education and the need for quality education for every student, every child in the state.

The State of New Jersey is currently working on a number of things that will hopefully improve performance. One is New Jersey Quality Education Act -- actually, that's an old act actually, QEA. But the QSAC, which is the Quality Single Accountability Continuum, which is actually a measurement of performance in schools, is something that we're in the process of implementing, and just implementing -- rolling it out to the districts in the State now.

We're also working on a new school funding formula, which will hopefully look at and analyze the actual cost of providing a thorough and efficient education to all students in the State of New Jersey. And many of you know that No Child Left Behind Act has had a tremendous impact on a number of these items, on all of these items. It's had an impact on accountability. It's had an impact on funding, as I'm sure some of you

today will testify. And it has certainly had an impact on quality and quality assessment.

So we want to make sure that we have the best information possible. Right now, No Child Left Behind is up for reauthorization in Congress. We want to make sure that our congressional delegation has an opportunity to share with us information regarding the reauthorization of the act; as well as have an opportunity to hear some of the comments of some of the people who have been working on No Child Left Behind, and some of the folks in the front lines, like yourself, who were given the charge of implementing this law, which has created a lot of controversy.

But one of the good things I can say about No Child Left Behind is at least it's put a strong focus on accountability. It's put a strong focus on achievement, in making sure that students don't fall through the cracks. So that's the positive of it. And then there are a number of things that we need to change so that the implementation mirrors the great slogan, the great title, of No Child Left Behind.

So without taking any additional time, I certainly want to thank David Shreve, from the National Conference of State Legislatures, who is the chief staff person on Federal education issues; and Diana Hinton, who is also a staff person from the National Conference of State Legislatures. And David, I might add, originally staffed and, actually, continues to staff the Task Force -- which I was on -- that consisted of a number of legislators from around this country who were charged with looking at the No Child Left Behind Act, and working with the Federal Government to come up with some changes in their regulations, and

ultimately changes in the legislation -- to improve the Act and make the Act more user-friendly, and certainly ensure that the Act lives up to its promise.

I want to thank Congressman Payne, personally, for coming today. We never are given much notice about these hearings. Because once it's an idea, then it takes about two weeks or three weeks to just get it approved. And by the time you have your approval and notice goes out, it's somewhat short notice.

But I do want to thank our staff person, Thurmon Barnes, for coming; and also Natalie Woods -- no that's not Natalie Woods-- Natalie Collins for coming out -- the Republican staff person -- for coming out today as well.

I'd now like to call up Congressman Payne to give us some remarks on the No Child Left Behind Act. And take a seat right at the testimony table there.

C O N G R E S S M A N D O N A L D M. P A Y N E: (speaking off microphone) Do you want to hear from the other members of -- your other associates first?

A S S E M B L Y M A N S T A N L E Y: Oh, certainly.

Gee whiz, I thought I was a chairman. (laughter) Congressman Payne happens to be my uncle, also. So you know, when your nephew is up, you want to make sure they're doing everything right and appropriate.

The Congressman has said that he has a little additional time. We thought he was in a hurry, but since he does have time, maybe I'll have the Vice Chair, Assemblywoman Joan Voss, perhaps make a few opening comments.

ASSEMBLYWOMAN VOSS: Well, I'm very pleased to be here, and I'm very anxious to hear your comments on No Child Left Behind, because I certainly have my thoughts about it. And I was an educator for over 41 years, and I've been in every level of the -- education. And so I know, because I spent most of my career in the high school level, how important it is that we give the right education to our children. And there is not a one-size-fit-all type of education, and this is something that's of great concern to me. I think that we very often put into effect some unrealistic or really unsound ideas because we want all of the children to do certain things; and we're all different, and we need different.

There's a wonderful book I keep recommending to people, called *The Seven Levels of Intelligence*, by Gardner. And in there, they make a statement that if Winston Churchill, Pablo Picasso, Albert Einstein were in our public schools today, they would all be labeled *special ed*. And so I think that it's very important that we hear your ideas. Because I know that the members of the Education Committee are very anxious to do what is in the best interest of our children to provide a thorough and efficient education for everyone.

And so, again, thank you for the opportunity of being here and thank you for coming. Because as I said, I really would like to hear what your ideas are and how you feel things should be going in New Jersey's educational program.

So thank you.

ASSEMBLYMAN STANLEY: Thank you, Vice Chairwoman Voss.

Assemblywoman Truitt, would you like to make an opening comment or any opening remarks?

ASSEMBLYWOMAN TRUITT: Good morning.

I would just like to say thank you to each and every one of you for coming. And it is crucial that we have these kinds of hearings so that we can hear from the people that we represent. And I echo everything that my colleagues, both Joan and Assemblyman Stanley, have said. It is very crucial because, as an educator, I recognize and understand that no two people have the same learning pattern. Everyone is different. And when we do look at-- We're here to educate every child as best we can. So, as she put it very kindly, every shoe does not fit the same mold. So what I say is, we have to look at this very closely; because what I don't like is how the good schools -- excellent schools that are supposed to be excellent according to normal standards-- But when you look at No Child Left Behind, their standards, in some cases, have been that those schools have fallen behind. They have not met that No Child Left Behind criteria. So it makes you wonder how valid is this No Child Left Behind procedure. So we have to look at that. And if possible changes have to be made, then this is what we have to do. But we need the input coming from the people who are actually in the field.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much, Assemblywoman.

The first person I'm going to call up is Janet Chavis, the--

Oh, and let me apologize. I really have to acknowledge, and certainly commend and thank, Kathy Fazzari of the Office of Legislative

Services. You know, OLS is the group that really makes the Legislature run; they're responsible for making sure that all of the Committee agendas are sent out. They're responsible for making sure that anything -- all the equipment and so forth, that we need to make a hearing like this go forward, is obtained and situated, and so forth. So Kathy Fazzari is with us, also. She is the Director (*sic*) of the Education Section.

Without any further ado, Congressman Payne, you have the floor.

CONGRESSMAN PAYNE: Thank you very much.

Let me certainly begin by commending you for holding this very important hearing, and your Committee Vice Chair Voss, and Assemblywoman Truitt, and Assembly -- for being here. Let me just say that I think that there couldn't be a better group of people involved in the Education Committee here in the Assembly of New Jersey.

Knowing you, Mr. Chairman, I know your interest in young people; the years of work with youngsters at the YMCA and your teaching, actually, as a professor also indicates your strong interest in young people. And I think that the State of New Jersey is very, very fortunate to have you as a Chairman. Of course, your Vice Chair is also a former teacher, and we had an opportunity to discuss the old days when we were -- I was a former teacher also, a little bit before all of you, though, and even your Vice Chair. I'm not saying we were teaching at the same -- started at the same time. I started a long time before she did, so I want to get that clear.

And of course, Ms. Truitt has been in education in the Irvington School system for at least 25 years. I had the privilege of speaking before one of her programs maybe 15 years ago, and do remember

and know of her strong interest. And I understand, also, Nellie Pou is a member of the Committee, and I hope she'll be able to get here also.

So, like I said, it's important that we have this hearing. And let me thank all of the people who came out to this hearing. Although you as legislators will hear a lot of complaints from your constituents, your boards of education, your teachers, and so forth; however, when they have an opportunity to give testimony, we do appreciate those who come. So we don't want to chastise them. But I think we really need to have more people involved so that when there is reauthorization, you can have a full picture of what the State of New Jersey's educational community wants. And so I do hope that you will get a chance to hear from most of the people involved in education in the State.

I'm, as I mentioned, a former teacher and a senior member of the Education and Labor Committee in the United States Congress, and did have some reluctance, as a matter of fact, at the inception, when the No Child Left Behind legislation was introduced. I had some concerns about the high stakes testing. I did realize that schools had different handicaps and to put everyone on the same level would be a self-fulfilling prophecy, because you could almost predetermine how scores would fall out. However, it was felt that there had to be some real attention, as the Chairman said, about education in our community. And although this legislation may not have been perfect, one thing it certainly has done -- it certainly has awakened, nationally, every state, just about every community about the fact that there were many, many problems currently in our educational system. And even though many persons oppose it and boards of education have problems with it, I think that over time it will improve

itself. And certainly, it was far from a perfect law. But as I indicated, there have been real achievements.

We also know that, as I have indicated, it's difficult to have a school district like the one-type-certainly-does-not-fit-all. We know that in schools there's a difference in the amount of funding, although Abbott in New Jersey has attempted to remedy that. Every state doesn't have Abbott, although many states, believe it or not, have moved into an Abbott mode of funding. There were even several that had done that even before New Jersey. I think it was Kentucky or Tennessee. North Carolina has really put a tremendous-- You should see what they've put in their education; it's unbelievable -- thinking it was a southern state.

And so I do know that the schools differ. Some areas need many new schools under the Schools Construction program. Some districts did extremely well; others did much worse. I know Elizabeth, which is in my district, I think they've built 12 or 13 new schools. I don't know, Newark might have had three, or four, or five, if that many -- Newark being about three times, maybe two times -- at least two-and-a-half times the size of Elizabeth. And I know that the schools in Newark, most of them were built before the 1900s. As a matter of fact, if you leave here, the Bruce Street School, right on the corner, was completed around 1870. And if you go up a little further, where I spoke at their graduation at Charlton Street School, it was finished in 1848. And so we have, in Newark, many schools that have 100, 150 years of age. And I know that there are other districts -- talking Passaic for a little bit -- and I know that there are problems even in the other counties.

So we're realizing that there is certainly differences that matter, and economics play a big role in how much a child is prepared to come to school. We know that we need to expand Head Start. We need to do more to get kids, who are not privileged enough to have a household where education is primary -- we know they come to school not prepared. They live in homes that may be cold at night or very hot in the evenings, or that may leak, or may have lead in it. And so there is no question that education is a very complicated system, and we know that there are tremendous problems.

And let me just also say that I think that teachers do an outstanding job. There's a lot of criticism to teachers but, by and large, I think that they're dedicated. I think they bring -- they absorb the problems of society. Many times they're the mother, the social worker, they're the policeman, and they're still expected to teach the youngsters. So let me make it clear, since all of my children are in education -- so I guess I have to do that, make sure they vote for me. (laughter) I don't want to talk badly about them and lose a vote or two. But seriously speaking, we know it's a tough job. Today it's even more difficult. Many laws, a lot of paperwork, we hear it all. However, we have to continue to move forward.

Okay, what is the state of education? Well, this year, the United States Congress is scheduled to reconsider reauthorization; and the bill will be reauthorized this year, I do believe -- the No Child Left Behind. As you may recall, it was in 2002 when this law signaled an important change in Federal education policy, by focusing on accountability for results rather than simple compliance, and by seeking to set the performance bar high for all children, regardless of their race or social/economic status.

Authors of No Child Left Behind also provided data on student achievement, which has raised our awareness of the quality of education being provided to students all across the country. The one thing it does is, it really puts the spotlight on all schools.

Each of us is now more acutely aware that our future depends on more than just our own children. (phone rings) Our future--

My time is up. (laughter)

ASSEMBLYMAN STANLEY: No, no, Congressman.

You have the floor.

CONGRESSMAN PAYNE: Our future--

ASSEMBLYMAN STANLEY: If I could just remind all the members of the audience, if you could turn off your cell phones or set them on vibrate so as not to be disruptive.

Thank you.

CONGRESSMAN PAYNE: Our future economic success and security in the world depends on the success of all of our nation's children. While No Child Left Behind sets us on a more productive course and spurred some improvements, it has not been enough. Why? Because far too many children are still not achieving to high standards in every state, and we are not yet making improvements in struggling schools as effectively or as rapidly as we had hoped to do.

For example, the National Assessment of Education Progress Report reveals that African-American 17-year-olds read at the same level as white 13-year-olds. The result of mathematics are just as disconcerting -- only 13 percent of African-Americans and 19 percent of Hispanic fourth grade students scored at or above the proficient level of the NAEP

mathematics test, compared to 47 percent of kids from the general population. So there is still a great big disparity in that category.

The picture for students with disabilities and English language learners is also alarming. Only 6 percent of eighth graders with disabilities scored at or above proficiency on the NAEP reading assessment, compared to 33 percent of students without disabilities. Only 4 percent of English language learners in the eighth grade scored at or above proficiency on the reading test in 2005.

We're also failing to ensure that our children are academically prepared to compete with international peers. Now, this is everybody in our country; even our best schools, supposedly, and our top students. Students in other countries consistently outperform even our top students on international tests. The international comparison for 15-year-olds performing in mathematics: American students score significantly lower than their peers in 20 out of 28 industrialized countries in the world. So we really have a challenge in front of us.

Contributing to this picture is the fact that there is an unacceptable level of high school dropouts. Reports show that 7,000 students drop out of school every day. More than 1 million students drop out of high school every year. Unconscionable -- we just can't have it. And that's where the crime statistics are -- 7,000 a day. And even some school districts have a hard time coming up with the true dropout rate. It's a very, kind of, daunting process to follow who has dropped out of school in some-- We have been finding that some have really not even been reporting it accurately, because it isn't easy. So 7,000 every day, 1 million students out of high school every year.

Even among those students who do manage to graduate and move on to college -- where close to half of them, when they get to college, are requiring remedial work -- 40 percent currently. I mean, that's from our best students to our worst. And so we really-- This means that we really have a serious problem. These are those going to college. Can you imagine where those who are not going to college are, as relates to being prepared for life in an increasing rigorous, global economy? Because as we know -- I came back from China about a week or two ago, and I'll tell you something: We're going to have to struggle to remain number one in GDP -- in gross domestic products -- and so forth, because that Chinese engine is really very, very hot. And so is it in India. Are we making progress? So that was the bad news. Yes, I mean we can be somewhat optimistic.

In light of the statistics, No Child Left Behind, in my view, is making progress. As abysmal as the data is, it represents improvement, believe it or not, for elementary and middle schools from where this nation was prior to the enactment of No Child Left Behind. So if nothing else, No Child Left Behind has stopped the tremendous slide that's been going on for a decade or two. And so it is a good thing that this legislation came into effect, even though it is leaving a lot of people with problems -- a lot of agita out there. But believe me, it has stopped the drop, the decline.

A report issued by the National Assessment on Educational Progress -- 2005 benchmark exams of fourth and eighth graders -- confirmed that progress is being made under No Child Left Behind. For example, one, the achievement gap between white and Hispanic fourth graders narrowed, reaching an all-time low in reading and matching its all-time low in math. So that means that there is an improvement. The whites have not dropped;

the Hispanic and black students have improved. Which shows that more concentration is going in where these children were really being left behind. So there has been an achievement gap narrowing. That's a good thing.

The achievement gap in the eighth grade math between white and African-American students, between--

(sound interrupts)

Does that mean I've got to stop again?

ASSEMBLYMAN STANLEY: No, no. (laughter)

CONGRESSMAN PAYNE: The achievement gap in eighth grade math between white and African-American students, between white and Hispanic students, also narrowed to its lowest point since 1990. So fourth and eighth -- so therefore we have to assume that in those in-between grades there's also improvement. The achievement gap between white and Hispanic students in eighth grade reading narrowed to its lowest point since 1998. The fourth grade reading, more progress was made from 2000 to 2005, up 6 points, than from 1992 to 2000, where it went down 4 points. Therefore, there was a 10-point swing since No Child Left Behind, in this five year period -- takes it a minus-6 to a plus-4 in five years. So there has been an improvement, a big improvement in the fourth grade reading level between Hispanics and whites. And the gains among Hispanics and African-Americans in the fourth grade math has been 13 points for Hispanics and 10 points for African-Americans, which is really showing tremendous growth.

In the fourth grade math, nearly as much progress was made from 2000 to 2005, up 12 points, as from 1990 to 2000, where it was up 13 points. So this is a little confusing, but in 10 years we went up -- in five

years, from 2000 to 2005, in the fourth grade, we've showed as much progress as was shown in 10 years prior to that. And in Hispanics, there was an 18-point increase in that five year period, and African-Americans 17 points. So they're, in both reading -- which were the first statistics I gave -- up, and in math -- this is in the fourth grade -- up. Since 2003, African-American and Hispanic fourth graders have made significant gains in both math and reading, as I mentioned. The statistics reflect progress, but to be clear, our nation still has a long way to go in ensuring that all students achieve levels.

Now, let me just go to recommendations. So things were dismal. No Child Left Behind has really awakened school districts all over the country, and the bottom line is that there is significant improvement in the children who were considered left behind primarily. Recommendations for reauthorization that we've seen so far -- but we're certainly going to be looking for recommendations from you out in the field -- but we've had a series of three or four hearings already in Washington this year, and we've had people from local school districts come to testify before us. And if we have any additional ones, I'd sort of like to get input from-- We've had New Jersey people, we've had people from Rutgers, we've had a number of Jersey folks there, and we will continue, though, to reach out to you all.

Since 2002, when No Child Left Behind became law, of course I've met with a lot of parents, and students, and administrators, and so forth so we could gain a better understanding of both the challenges and the successes, and to explore ways to best improve the law to ensure a quality education for all children. In speaking with these various groups, they expressed concerns about the need for highly effective teachers and

principals; the inflexibility Adequate Yearly Progress system provides; the need for full funding for No Child Left Behind; and the need for enhanced supplemental education services, among other things.

Number one, increased teacher and principal effectiveness. One of the areas where the current law did not accomplish its objectives has been in making sure that all children are taught by highly qualified teachers, and that schools have effective principals. I believe that the law needs to be expanded, and that it focuses on the effectiveness, rather than just compliance, to ensure that our teachers are not only highly qualified, but highly effective. That's a little different, you know. You could have the qualifications but -- you could have all the degrees in the world; if you're not effective, then you're still not providing what the children need.

While teacher quality is vitally important, research increasingly shows that the quality of school leadership is also critical to students in school performance. And believe or not, in No Child Left Behind, it says not one word about principals. A principal could, believe me, as a former teacher -- principals can make or break a school. I've seen schools that were the worst schools in the world. I knew Joe Clark. I don't mean you should go around beating people over the head with a baseball bat, but an effective leader can change a school. And so No Child Left Behind unwittingly left out the whole question of principals. So we know that high performing schools have principals who are effective leaders. Effective principals not only manage schools well; they attract, they retain effective teachers; they build supportive school cultures in which high achievement is cultivated. Therefore, we must work to ensure that all schools have highly effective teachers and highly effective principals. And like I said, there couldn't be a

more key element than the leader. If the principal is gone all the time or leaves before the kids, teachers will tend to do the same thing in a lot of instances; not all of them, but some will. You need to set the example.

A second thing that we looked at, that we believe is needed, is to mandate multiple measures of the school effectiveness in the annual yearly progress system. Another area that we must address is the flaw of the current Adequate Yearly Progress system. I know that many schools are making meaningful academic progress with students, but the current AYP system does not capture their gains. Therefore, I support amending the law to ensure that the determination of whether a school is effective in making the annual yearly progress is based upon more than a student's performance on a single statewide test. Instead, I think the law should allow school districts and schools to include progress on multiple measures -- such as local assessments, student portfolio assessments, graduation and dropout rates, and a percentage of students who take honors or other advanced courses -- in the overall determination of whether it is a successful school.

Third: We'd like to promote growth models for determining annual yearly progress. The current law does not allow schools to get credit for improving student achievement over time, nor does it allow schools to get credit for moving a student from a below basic to basic achievement level, or from proficient to advanced. The law only recognizes whether a certain percentage of students have scored above or below a cut score, not whether there has been gains in student learning. It also compares different groups of students each year, rather than following individual student learning gains. Many advocates have expressed that in order to provide a comprehensive picture of student achievement we should measure student

growth over time, rather than just assessing students at a single point in time when that exam is given. So I strongly support measuring student growth over a period of time.

Four: Promoting assessment systems that are appropriate for students with disabilities and learning -- and English language learners. We should consider expanding from one year to a maximum of three years the time for an English language learner, the ELL, to master English before being tested in English in core content areas. This change would be consistent with research findings regarding the average pace for English language acquisition. Students who become proficient in English in fewer than three years should be tested in English. Otherwise, to expect a non-English speaker to take a math or a reading test in a second language, which would be English, prior to achieving proficiency in that language, sets that student up for failure. So we definitely have to take a look and change that.

For students with disabilities, the No Child Left Behind reauthorization should encourage inclusion of these students in State assessment and accountability systems, but allow states to use grade level, appropriate, authentic assessments for special education students based on their individualized education program -- on their IED.

Five: To provide full funding for No Child Left Behind. To date, No Child Left Behind has been an unfunded mandate to states. Also-- I mean, it has not been fully funded where we think it should be. Also, everyone agrees that substantial additional resources are needed, and that the shortfall has grown significantly, since the law was passed, by approximately \$60 billion over the last six years. However, during the same six-year period, congressional budgets and appropriations have run up

enormous debt, and unfortunately, now that the Democrats are taking control, we have a tremendous debt with this war, which continues to drain a tremendous amount of funds. And even though we have more of an interest in assisting in education, we're going to have constraints because the war budget will continue even if the war ends. And that's tremendous. This year it's \$650 billion, not counting the emergencies, which will probably be another \$100 to \$150 billion this year. So we'll be spending probably close to \$750 to \$800 billion, approaching a trillion dollars a year for military. It's unbelievable. I mean, that comes to like \$3, \$4, or \$5 billion a week, maybe a billion or \$2 billion a day, for defense and war-related activities.

As a result, many groups raise concerns that schools which are struggling academically do not get the kind of help they need and don't get the help when they need it. Therefore, we must improve the quality and oversight of the supplemental educational services. Private entities participating in the SES, the supplemental educational services, must also be held accountable, just as the school is held accountable, for all student achievement, including students with disabilities and English language learners. You know, students have a right to go to these services, but the services are not held under the same scrutiny that the schools are, so there has to be some way of assessing these services.

Finally, reauthorization of No Child Left Behind is a top priority for the Congress. To date, the House Education and Labor Committee has had several hearings, as I mentioned, on various topics of the law. I remain committed to the core principle of No Child Left Behind. And the leadership, as we move forward to reauthorize -- we will certainly

work hard to address the challenges that I've mentioned; but that we will also gather, as the year progresses, information that you have that you want our Committee to consider.

Finally, let me say that I believe that access to a higher quality public education is a civil right for all children, and No Child Left Behind can play an important role in making that right a reality. Together we must strive to fulfill the promise of high achievement and success for every student in every school. And once again, I do commend this Committee for having this important hearing. For those of you who are coming here to testify, we will certainly look very carefully at what you say and do. We do know that, as I've indicated, that the law certainly needs to have adjustments. We know that it has created a lot of controversy in school districts. However, the controversy is good because what it is doing is saying that we can do better; because the statistics show that, as much as there's been pain, there has -- real improvement has been attained since this law has been enacted.

Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much, Congressman. (applause) I appreciate your testimony.

The next person I'd like to call up is Janet Chavis, the No Child Left Behind Director in Newark. Ms. Chavis.

Ms. Chavis, before you get started, I just want to acknowledge some of my staff members who are here also, who have played a tremendous role. I'll get in a lot of trouble if I don't acknowledge them in playing a great role in setting up this hearing. One if Colette Barrow, who is over there on the side there; and Chris James, who has been in and out,

but I guess he's out right now, probably doing some of the people's business. But thank you very much.

I certainly am glad that the largest school district in the State of New Jersey is able to participate in this hearing, and no better person than the Director of No Child Left Behind in Newark. Thank you very much, Ms. Chavis, for coming.

JANET D. CHAVIS: Good morning. On behalf of the Newark Public Schools, our Superintendent, Marion Bolden; Mrs. Nelms, our Deputy Superintendent; Dr. Griffin, the Assistant Superintendent of Teaching and Learning, I am truly honored to be here to speak to you, and I'm truly honored that I've been invited to discuss the implementation of No Child Left Behind in the City of Newark.

My name is Janet Chavis, and I've been in this position -- actually my anniversary is tomorrow, my third year anniversary. This has truly been a labor of love, a lot of growing pains, but a long arduous task making sure that we understand and we're able to implement the No Child Left Behind Act to the best of our ability.

I'm just going to take a minute to get settled.

The Newark Public Schools continues to move forward with the development of the No Child Left Behind Act program, as stipulated by the NCLB law. The district constantly monitors the key components of the NCLB law, such as student achievement, school improvement, supplemental educational services, and highly qualified teachers and professionals.

Great, okay. I'm going to begin my presentation with this quote because actually working with the No Child Left Behind Act, it has

forced us to actually look at things differently, to step back, to be truly reflective practitioners. And so I would like to begin with this quote because “If we want things to be different then, of course, the answer is to become different.”

My presentation overview will be to discuss the mandates for Title I schools. We will look at: Integrating essential elements; public school choice and how our district has been able to implement, and the challenges; supplemental educational services; the corrective action and district supports; highly qualified staff programs; planning for school improvement; keeping our parents informed; our next steps, CAPA recommendations and, of course, lessons learned.

Let me tell you a little bit about Newark. We’ve got 41,000-plus students, 77 schools. We’ve got elementary, we’ve got middle, we’ve got high school. We have schools that are middle and elementary; we have schools that are pre-K to 3. Our schools are in the continuum. Out of those 77 schools, 54 are Title I schools; 41 schools are SES schools, which means that they’re mandated to participate in the SES program. Additionally, we have corrective action, CAPA, schools. And at some point in the presentation, I will discuss the activities that we’ve put in place to support those schools. Additionally, there are more than 22 different languages spoken at home. We’ve got over 4,000 students in special education; and again, over 4,000 certified instructional staff. Additionally, we have over 700 paraprofessionals, and those comprise our classroom and our per diem aides.

Now, we know that the essential elements are composed of four pillars: Accountability for student performance; research-based education;

we have made every attempt to empower our parents with additional options; and then increased flexibility.

We'll begin with discussing our Summer mailing, to make sure that our parents are informed of the status of the district, the status of our schools. And this Summer mailing goes out as soon as we get our school data, our testing data. It generally goes out at the end of July, no later than the middle of August. It's mandated by the law that we let our parents know what their status is at that point. In addition, inside that packet -- and that is a mailer that goes out -- it contains information about supplemental educational services; it talks about the process of offering school choice to our parents. Let me just let you know that in order to make sure that our 44,000 -- 42,000, 41,000 parents get this information, it is quite a grueling and very arduous task, but we are able to do it.

The next item that I'm going to speak about would be our supplemental educational services program. It is very, very extensive. We were able to service, on an average this passed year, over 4,000 students in our supplemental educational program. Our program consists of support and options from 17 different vendors, and each vendor -- many of the vendors provide a variety of delivery options for our parents, such as Saturday, online, after-school. And we've got a number of students, primarily our special education students, that participate in the Saturday and in-home sessions.

Again, our SES program is driven exclusively by our parent choice. We hold an annual provider's fair in September. Initially, we were holding two providers fairs at different locations in the district. However, we found that it was more efficient and more cost-effective for us to have

one Saturday provider's fair. Over the last two years, we've implemented a software tracing database system to help manage attendance, to do our invoices. We monitor our students' IEPs through that program. We've been actually forced to almost create an additional office to manage SES, and it's growing as we speak.

These are some of the various vendors that have contracts with the Newark Public Schools. Our vendors are held to the highest standard that we could possibly hold them to. They must adhere to our district vendor contract. And let me say that Newark was one of the first ones to put in place a comprehensive contract in New Jersey. Many components of our contract have been lifted and incorporated into documents, recommendations for many of the other districts through the State Office of Title I. Our vendors are mandated to provide programs that support the New Jersey Core Curriculum Content Standards. We meet with them three times a year: Initially, to discuss and outline our expectations; to give them copies of the standards in the event that they don't have them; and to also make them aware of our own district curricula materials; and contacts that they may use so that they can understand where their program has to match and be in alignment. They are mandated to provide monthly reports to parents, and they are mandated to provide an end-of-the-year report to the district. And vendors will not receive final payment unless we receive the end-of-the-year report.

Our district is very aggressive in providing corrective action/supports to our schools. And so we have a number of schools that are in year 5, in year 6 status. And so what we've opted to do through our CAPA Oversight Committee Partnership, we've given them the opportunity

to discuss and to vote on, school by school, the type of restructuring options that they would elect or select to participate in. And so many of those are a combination of increased governance and oversight. And what that means is that the district is definitely and directly involved in the decision making at the school level, in addition to the principal.

For the most part, in the past, the principals were -- with the support of the district -- they were primarily the person in charge of making certain sorts of decisions, especially as it pertained to resources, spending, curriculum alignment. The district has been very aggressive in providing those additional supports to those principals, to assist them with scheduling so that they can make the best use of their human and fiscal resources; helping them with the budget; to look at instruction directly, drilling down and looking at the data; and helping teachers to understand how to prescribe instructional intervention to support student learning.

At this point, we're going to talk about our highly qualified initiatives. And we've been really aggressive in making sure that, first of all, our paraprofessionals have become highly qualified. We were one of the first in this area to create the district's local assessment. As you know, paraprofessionals are able to work in a Title I school if they've passed the parapro assessment, or if they have 60 credits or greater college credits. So what we were able to do, utilizing Title II funds and additional Title I funds, we created a customized program with the support of Essex County College. And those paraprofessionals -- that program consisted of them taking three college courses along with an intensive Saturday math program. It was held two Saturdays for five hours. We've been very successful, because we've had over 400 program graduates; and many of those

paraprofessionals are still in the program at Essex County College, because many of them have decided that they would like to continue their education.

Additionally, with our highly qualified teacher program, we know that teachers are essential to the progress of student achievement. And the district is pleased that 95 percent of Newark's teachers have met the June 30 deadline to become highly qualified. Again, our teacher aides have had the opportunity to become highly qualified through the assistance from the district. Even though we've not met the 100 percent mandate, we know that we will continue to move forward until the goal is met.

Planning for school improvement: And again, we have a number of schools. Unfortunately, we've got 41 schools that are on the list of not meeting the standard and being a school in need of improvement. And so that working with those schools and providing assistance and support, schools have been charged with asking themselves -- as they meet, as they plan -- these essential questions: What are we doing; why are we doing it; why are we doing it that way; how do we know, most importantly, that the kids are getting it; and how do others know how well we are doing it? When we meet as groups: what are we meeting for; why are we meeting; how are we running and conducting the business of the meeting; why are we doing it that way; how do we know it was a success? We've got to be more efficient with our time and we've got to implement measures that tell us that we're efficient.

And then drilling down to our teachers, where the rubber really meets the road -- and those are the people that really impart and make the difference -- we're expecting them to ask these questions as they're

planning: What am I teaching; why am I teaching it; how am I teaching it; why am I teaching it that way, especially with our English language learners and our special needs students? And we need our children, in order to take responsibility for their own learning and to be empowered, we need to make sure that our children understand that they're getting it and that they know that they're getting it.

And then, as far as our instructional component, as far as our curriculum and pedagogy, we need to make sure that, as professionals, we ask ourselves these questions. And the last question is, what evidence will I collect to show that my kids are getting it? Because NCLB is all about accountability.

NCLB has forced us to look at our planning time -- those pockets of time to discuss, and to look, and to be more reflective, to do team planning, to do vertical and horizontal articulation, to do curriculum mapping, to look at our special needs students. Because we know that if the school misses one of those 40 indicators, that school will find itself on that list. And a school might find itself on that list because of special needs students, because of a handful of special needs students. So it's very, very important that each one of those groups -- that we look at those groups, those learners, those needs. And so this is a sample of one of the activities that was done at one of our great (indiscernible).

Challenge: IEP or AYP -- which one truly dictates student improvement? We find ourselves colliding -- on a collision course with the IEP. Because if students are measured by AYP, if students are measured by grade-level expectations, then where do the IEP -- which trumps what? They're both Federal mandates.

We've been able to really, really become very aggressive with our special education students. And so what we've done is isolate and identify, and put a strong emphasis on our special needs population. Because the truth be told, good teaching is good teaching, whether it be to a special ed student or a "general ed" student. But as we put certain things into place, as we identify and differentiate instruction, based on -- not on a child's classification, but on a child's needs, then everybody learns. And so the district is proud to say that many of these activities are going on now, and we continue to move forward with our support for our special needs students.

Our community outreach efforts: We're very, very proud of the opportunities and the kinds of things that NCLB has, again-- Again, it's been a difficult path, but it's forced us to look at things, and to provide ways, and look at new opportunities -- looking at the challenges and finding new opportunities so that we can make sure that our parents are informed.

I brought with me, also, samples of our newsletter. We make sure that parents are informed at every opportunity possible. We have district-wide mailings. We put updates on our district Web page. We have cable public service announcements. We have a Whole School Reform Oversight Committee. And that Committee comprises partners from the university; Seton Hall is involved as part of that Committee -- they're working directly with Newton Street School. We've got the Newark Teachers Union as part of that particular group. We've got Jersey City University, Kean. We even have some not-for-profit organizations as a part of that Committee. And again, NCLB has forced us to basically beef up what we were doing before, but now it puts an additional focus on it.

Our next steps: CAPA recommendations. What we've been forced to do is begin with the end in mind and look at where we are, the kinds of things that we need to do as a district to continue to navigate and provide the support that we need for our teachers, our students, our parents, so that we can really do the best job that we possibly can. And so we are excited about where we're going. We are excited about the very first restructuring conference that we're going to be hosting with members of the New York Office of UFT. They're going to be participating in a restructuring conference for our 13 schools that are in year 5 and year 6 status. And so we take the CAPA recommendations, we take our charge very seriously. We know that we've got a long way to go, but we're getting there. We're really, really serious about continuing our path in leaving no child behind.

And so our challenges: As we've started to find growth across the board in different places, in different pockets, being able to sustain that growth-- Because again, we're talking about different cohorts of children. And so to measure a school from year to year -- that same grade, but yet you're looking at different students, I don't know. That seems to me to be a little-- I just-- It's a challenge.

Looking at the quality of SES programs: One of the things that I found disturbing when I first got the position was the fact that we had SES providers that were coming to the district -- to ask them to recommend testing materials and program materials. And I found that many of them -- and this was in the beginning -- the quality varied, to say the least. The quality varied from provider to provider. That has changed significantly,

and so we would like to be able to maintain quality control. Our hands are tied in many instances, but we do our best.

Highly qualified math, science, and special education teacher shortages: I think everyone across the nation is faced with that particular issue.

Sustaining consistent parental involvement: Again, at different times of the year and different activities, we find that our parental involvement varies. And parental involvement means different things to different people.

Leaving no child untested: When we look at the number of tests -- and we look especially at the English language learners -- the number of tests and the number of funds, and the number of people that have to be deployed to manage this whole process, it just seems that there should be a better way. It is very, very frustrating; not to mention for the children, to have to find themselves taking multiple tests, almost overlapping. And again, that has been one of the biggest challenges. And additionally, the funding of those tests at every grade level, because the district is not getting any additional funds as we are mandated to comply with the additional components.

And our next steps, again, the regular review of our SES process. We are constantly trying to tweak things to make it better. The emphasis on our district-mandated curricula: One of the things we found with our CAPA review was that we've got the materials, we've got the programs, we've got very robust curricula materials and supports. But we just have to make sure that the district curriculum is being implemented across the board in every school, in every way.

We're fortunate to have a highly qualified paraprofessional candidate pool, as a result of creating that program with Essex County College. And our restructuring initiative to provide more governance and support to corrective-action schools-- Again, these are some of the areas that we've looked at and that we're very proud of, and that we will continue to forge ahead.

And again, thank you.

Newark Public Schools is about making, and continuing to make, that change. I have an appendix in your handout. I didn't know how long the presentation would be, and so, additionally, there are documents in the back that give you a sample of the kinds of things that we've put together. On the first page, it is a cover sheet of our district mailer. And that mailer goes out in four different languages. Every document that we place in that mailer is translated into four different languages. And again, with everything that is done, there's a cost involved. So imagine having to send out and mail 44, 41 -- the number varies from year to year -- so 41,000 pieces of mail. And the packets are quite thick, because again, based on the law, we've got to provide it in the various languages.

The next page is our SES provider comparison. And we're very, very proud to say that Newark has been very supportive of providing -- or participating with the SES program. We have not hindered our SES providers in any way. If anything, we are just holding their feet to the fire to make sure that they provide the best program for our children. And so, as you can see, over the past three years it's grown significantly.

Am I--

ASSEMBLYMAN STANLEY: Oh, yes, that's-- Yes.

MS. CHAVIS: Oh, okay.

ASSEMBLYMAN STANLEY: I do want to thank you for your presentation.

And I want to ask, did you come before the No Child Left Behind Task Force when we were in New York City?

MS. CHAVIS: Right. I was on the job four weeks. (laughter)

ASSEMBLYMAN STANLEY: Well, we certainly appreciated your testimony there, and certainly appreciate your testimony today.

I just had a couple of quick questions, because I want to make sure that we get to David Shreve, from National Conference of State Legislatures. But one question with respect to the growth model: I know that some states -- and I don't know if they allow growth models for individual districts right now. But I believe there are a couple of states that are currently using growth as a model for AYP. And even though New Jersey is still in the process of implementing a student identifier that will help us track student progress from year to year, it's not there statewide yet. I know the Department hasn't done that yet. But Newark has student-- Does Newark not have a student identifier? Could Newark do an assessment based on growth from year to year with your current software, with your current technology?

MR. CHAVIS: I believe that we can. As a matter of fact, the district created its own research study. We used that to measure the effectiveness of our SES program last year. And so, what we did was, we did pre- and post-testing of all students that were in the SES program, from all the providers, as well as the district providers. And they were each given

an identification, and then we were able to actually look at the data. And so I think that, while I am not completely sure, but I do believe that we do have the capacity to do that with our SES program.

ASSEMBLYMAN STANLEY: Well, that's certainly something that we should look at. Because if states are getting a waiver, being allowed to assess annual yearly progress by using a growth model, perhaps individual districts ought to be able to do it also. And I would think that a district like Newark, that is a very large district, that it should be something that we should certainly look into. And I'll -- I guess David Shreve could probably provide us some more information on that when he comes up to testify.

The second issue that I just wanted to ask, with respect to parental involvement -- you said parental involvement means different things to different people. What does it mean to the Newark district? Because I know that we have-- As you say, people have different definitions, people think differently when they think of parental involvement. But one of the things that I think of is that -- parents involved with the districts, some of the district's decision making, making sure that they're involved and engaged in meetings -- PTA meetings, functioning of the school. Not just helping their child do their homework, but also making sure that they're an advocate for the child, and understanding the parents' rights with respect to what goes on in the school. Can you share some of what Newark is doing and what you feel is parental involvement, or what needs to be done?

MS. CHAVIS: We've got a very aggressive parental involvement component in Newark. For example, on our Whole School

CAPA Oversight Committee, we've got parents that comprise -- and that is a district-wide Committee that meets bimonthly -- and we are looking at the schools that are in corrective action. And looking at the district plan, the Title I plan, looking at the school plans and actually discussing and bouncing ideas and data back and forth amongst that group. Additionally, with parental involvement, each school is charged with creating and actually bringing to life their parental involvement plan. All Title I schools are charged with that. And so that is one of the areas that they must identify in their Title I plan. We've got parent liaisons that are responsible for calling parents to bring them in to participate in different programs. We offer workshops. Our office pays for four satellite parental involvement sites throughout the district, in different wards. And we offer workshops, (indiscernible) workshops, technology workshops, workshops on math and literacy support, as well as first aid. We offer a whole host of activities for our parents.

Next month, we are hosting our annual, citywide parent conference at the Robert Treat on May 11. And there are workshops that parents are invited to participate in that run the gamut from what -- working with your students, and the expectations at different grade levels and different growth levels; from understanding NCLB-- There's workshops about the curriculum so that parents can understand where we're moving and the kinds of curricula materials that the district has adopted. Parental involvement is a very serious matter in the Newark Public Schools.

ASSEMBLYMAN STANLEY: Thank you. Thank you very much.

Vice Chair?

Okay, fantastic.

ASSEMBLYWOMAN VOSS: That was very succinct to me.

ASSEMBLYMAN STANLEY: Assemblywoman Truitt, do you have a question?

No.

ASSEMBLYWOMAN TRUITT: No, I just--

ASSEMBLYMAN STANLEY: Okay.

MS. CHAVIS: Thank you very much.

ASSEMBLYMAN STANLEY: Thank you. Thank you very much.

Next, I'm going to ask if-- Oh, actually, we have a representative from Senator Lautenberg's office here, and I would like to ask Ty (phonetic spelling) Cooper to come forward and perhaps give us some words on behalf of Senator Lautenberg.

T A H I R A H C O O P E R: First and foremost, thank you so much for having me here. I'm honored to be here.

Congressman Payne, it's always a pleasure seeing you.

Chairwoman and Chairman, thank you so much for having me.

The Senator couldn't be here, but this is a real important issue to him. I've been going to all of the NGA legislative dinners, so I understand the concerns of the teachers, administration alike. And I have the unique experience of having a mother who is a teacher in a public school, so I'm constantly having this beat into my head. Not only is she a teacher, but she teaches special education. So for her, it's twice as difficult managing under No Child Left Behind.

But the Senator did want me to read a brief statement.

“Good morning. The No Child Left Behind program is flawed. No Child Left Behind’s strict reliance on standardized tests and its lack of funding is robbing our children of the education they will need to succeed in a rapidly changing, highly competitive global economy. No Child Left Behind significantly expands the Federal role in education by placing very specific demands on states and school districts to set high standards of proficiency that all students must meet. If schools do not meet their goals, they are subject to a host of sanctions ranging from loss of funding to closure.

“Last year, the nonprofit Aspen Institute established a bipartisan commission to evaluate No Child Left Behind. On February 13, 2007, the commission reported their findings to Congress, which included more than 70 changes to No Child Left Behind. Among the recommendations was a provision to run the standard for highly qualified teachers to highly qualified effective teachers. In order to prove their effectiveness, teachers would be assessed by their students’ test scores and would have to demonstrate that the test scores have improved. If an instructor is placed in the bottom 25 percent of teachers in their state, they are subject to a series of penalties. I have serious concerns about this recommendation. We should not rely on a single test to reflect the achievement of a student or the effectiveness of a teacher. Additionally, we should not legislate new requirements for No Child Left Behind until President Bush is willing to provide school districts with the funding they need to achieve them. While the President’s budget proposal for Fiscal Year 2008 does provide increased funding for No Child Left Behind, most of that increase has been designated for school voucher programs and

expanded testing in high schools. This funding level is not nearly enough to make up for the years of underfunding. In addition, without proper funding, teachers in school systems cannot be expected to meet already rigid testing requirements, let alone be responsible for new ones. Throughout my time in the Senate, I have consistently fought to increase funding for our schools so that all of our children can have the quality education they deserve. Please be assured that I will work closely to study these recommendations of Aspen Institute, and will keep your views in mind as the reauthorization of No Child Left Behind is discussed in the Senate.

“Thank you very much. Senator Lautenberg.”

And also, just to say, hearings like this are so important for our office. We are right here in Newark and we have an office in South Jersey. As reauthorization comes up, we need teachers, we need State legislators, and administrators to tell us exactly what’s going on. What would be the most beneficial thing to happen with reauthorization? And so our office is here. Please utilize us.

And if you have any questions, I’m in One Gateway Center.

Yes.

ASSEMBLYWOMAN VOSS: Yes. I am interested in that provision -- effective teaching. Because, as our Congressman pointed out before, you could have all the degrees in the world and, if you’re not getting through to the kids, what good is it.

I spent about six years writing a dissertation on effective teaching methods. And as we can show our students why they are learning, what they are learning, and how it’s going to improve their lives and how they are going to be able to make a living based upon what they’re learning

in school -- until we do that, I don't think that we're going to be accomplishing anything. We really, really have to have people in that classroom that motivate, that stimulate, that show the kids why they need to know. And I've been in hundreds of schools and I have not always seen that component being endorsed and encouraged. And that, I think, is very important.

MS. COOPER: No. I don't think the Senator at all is disagreeing with the fact that we need to have effective teachers. I think it's just the method that they're being assessed by, is where the criticism falls. So it's not having an effective teacher -- of course we all want that -- but it's the method that they're using to qualify these teachers as being not only highly qualified, but as effective at the same time. So I think it's looking at the structure of the testing system.

ASSEMBLYWOMAN VOSS: Excuse me, but this is a passion of mine, so--

MS. COOPER: No, that's fine. Please.

ASSEMBLYWOMAN VOSS: We have to really look at the type of tests that we're administering to the kids. Because in looking at some of the tests that the State of New Jersey puts on our children -- makes our children take, and looking at some of the ways in which No Child Left Behind is assessed, I think there is a great need for improvement. I think that we are having tests which, I think, are constructed by people who have only a one-dimensional view of education, and that is very upsetting.

MS. COOPER: When you limit yourselves with those tests, you're going to limit the students, as well.

Like I know for myself, the way I learn isn't the way that every other child -- when I was in high school, when I was in college -- learns. There were special methods I had to use as an individual to learn things. So I couldn't even fathom having to go through a system like that, where if you don't meet up to a certain standard as an individual -- you aren't basically judged as an individual, but as a number in a pool of people.

So, completely understandable.

And I hear it from my mom all the time, so I definitely understand.

And like I said before, please use our office as a resource. It's One Gateway Center. We also have a legislative aide in D.C. that will, hopefully, be coming up soon, so please share your concerns with us, as well.

Thank you so much for having me.

ASSEMBLYMAN STANLEY: Thank you very much.

And hopefully, you can stay and hear some of the other testimony and pass it along to the Senator for us.

Thank you very much.

Okay. I'm going to ask David Shreve to be prepared to come up. But I'm going to ask that the County Vocational Schools representative go next -- Judy Savage.

And I also want to recognize -- is Sammy Gonzalez still here, from the Newark Advisory Board? Sammy, thanks for coming. I appreciate your interest in this issue.

Yes.

JUDY SAVAGE: Thank you very much.

Chairman Stanley and members of the Committee, first of all, thank you so much for having this hearing and for giving us a chance to speak today. And on a personal note, thank you for moving me up a little bit. I have a dental obligation down in Trenton this afternoon that will not wait.

Well, the No Child Left Behind has many positive provisions. And I think some of those have been touched on. Clearly, it also has a lot of unintended consequences that need to be addressed in reauthorization.

And my purpose in being here today is to call your attention to some of the particular impacts on New Jersey's county vocational schools; some of which are similar to regular school districts, but some of which are unique because of the fact that the county vocational schools serve, essentially, as regional magnet programs for large special education populations.

Statewide, about 27 percent of our students are special education students. That compares with the statewide average in regular schools of 11 percent. So there is really a very high concentration of special ed students. And these students thrive at the county vocational schools. Not only do they get a solid academic foundation, but what they're also getting is hands-on learning and technical skills that are going to enable them to succeed when they graduate from high school. So they get the academic piece, but they also get that technical piece, which is a real value-added, and which is really going to set them on the path to success.

And while they're successful in those programs and able to leave with really viable job skills, sometimes they are not successful with the HSPA. And it's particularly true for a county vocational school, because

these students don't come to a full-time county vocational school until 9th grade. So if they have had inadequate preparation in Kindergarten through Grade 8, they come to our door in 9th grade and the schools are really-- They have, sort of, a bifurcated mission, trying to equip them with the academic skills to pass this High School Proficiency Assessment, but also trying to give them viable job skills that are going to help them in the future. And it's really hard to do both of those things within the context of a school day, particularly when many of these students have an IEP that says, "This test is not appropriate for them."

Last year, six of our 21 county vocational schools had schools that were identified as in need of improvement, and two others were placed in early warning status. This is an issue for all school districts. That's a particular issue for county vocational schools because, remember, they're schools of choice. They have to go out and recruit their students every year. And they do that through recruiting visits, and direct mailings, and all those kinds of things. But the sad fact is that when a parent sees a little blurb in the paper, sees their name on the list of a school in need of improvement, very often they're not really thinking about -- "Oh, gee, they missed one indicator out of 40," they're thinking, "Well, that school is no good. You can't go there." So that really particularly hurts the county vocational schools. So we think reauthorization provides a critical opportunity to take a look at some of the issues.

Eugene Catanzaro, from Burlington County Institute of Technology, is with me today. And he is going to talk a little bit about the specifics.

But before I hand the mike over to him, I just want to outline, very briefly, what some of our recommendations are. And some of them-- I was really pleased to hear myself upstaged by Congressman Payne, because he's in the driver's seat. And I think he outlined a lot of these recommendations already.

Obviously, No Child Left Behind needs to assess the progress and achievement of special education students in a manner that's appropriate with their educational needs. It's ludicrous to be assessing these students with a test that has already been deemed inappropriate for them by education professionals. So multiple measures is really essential.

Second recommendation is that the measure of Adequate Yearly Progress should recognize progress over time -- a growth model -- as has been mentioned. Because real-- And particularly for a county vocational school, if we get a student in 9th grade who didn't pass the GEPA, and dramatically increase that student's performance by 11th grade, that counts for a lot. And taking a snapshot that just says percentage of students who pass HSPA every year in 11th grade really is so much less meaningful than how are the students doing over time.

And we really trust that these things will be addressed in reauthorization. But if they are -- if those specific things are not addressed, then the law has to give some recognition to schools that serve a disproportionate number of special education students, or other subgroups that are challenged, and really recognize that.

So those are our major recommendations. I gave that to you in writing.

But I would like to just ask Eugene to speak a little bit about his school and students.

EUGENE CATANZARO: Thank you for having us today.

My name is Eugene Catanzaro. I'm the No Child Left Behind Coordinator for my school district in Burlington County.

The Burlington County Institute of Technology has two campuses, with over 2,100 students in attendance. It's a full-time vocational school where students attend classes, both academically and vocationally. The district is a district of choice. We have an admissions process. We offer over 25 different vocational shops within our two schools. The Westhampton campus is a Title I school, because we have 36 percent of the students receiving free and reduced lunch. Our Medford campus has 24 percent of those students receiving free and reduced lunch.

The district has been designated as a district in need of improvement. Westhampton is in Year 3 hold status, which means that the school actually did make Adequate Yearly Progress in one year, but we needed two years in a row to make that adequate progress so we'd get out of the designation. Whereas the Medford campus -- which doesn't receive any Title I funds -- has reached Year 4 at this point. And the test was just taken a few weeks ago. So we'll find out, eventually, what happens with this next year.

The Westhampton campus has gone through the following sanctions, because we are a Title I school: parental notification, supplemental educational services, collaborative assessment and planning for achievement -- which was the CAPA review -- and technical assistance. Westhampton will face corrective action if our students don't make

Adequate Yearly Progress this year. The CAPA review was a helpful process, but it was hard to impart to them what was going on within the vocational school itself; because we are different than the average school.

This year, 30 percent of the students at Medford, and 26 percent of the students are classified with learning disabilities. And that goes back to -- across the state for vocational schools. Twenty-eight percent of all vocational schools are in that situation, where we have students with learning disabilities.

We've accepted-- And the other part is that we've accepted students from 33 -- I'm sorry, 63 different middle or junior high schools across Burlington County, because Burlington County is the largest of the counties. And the problem is when they would tell us, "Well, you know, you really need to look at your articulations with the different schools." It's hard for us, as a school, to go to 63 different schools and say, "Hey, these are where our challenges are; this is where you need to meet for us."

Some of the recommendations steer us away from our main goal as well: educating all students, not leaving any of the children behind. As a school -- as a vocational school, we're a beacon. Schools look at us, and they say, "Well, you know, if you can't make it in the regular school, you can definitely go to the vocational school." And that's not necessarily it, because we do have standards.

Our students take what's called the SOCATs, which is a vocational standard. And our students have received 100 percent across both of our campuses in those SOCATs. Our students leave our schools going into the work world, going into the workforce, with skills, with things that they can take away from our particular school district.

My district, along with other vocational schools, serve a specific need in education. Many of our students come to the school not having college in mind at first. They maybe think about it after the fact. But, at first, they don't think about it. They come to our schools saying, "Well, I want to be a mechanic. I want to be a plumber. I want to be a hairstylist. I want to be a welder." We do have other shops within our school, such as health occupations, preengineering, criminal justice. And those students are being able to go to college. But, right now, we have to look at the diversity of the shops. We have many shops in our school. Like I said, we have over 25 shops. But the problem is, what happens if we start deciding, through the admissions process, through all of the different things-- When the CAPA came, they said, "You know, you have to just raise your standards. Your admissions has to be more rigorous in what's going on." So we will stop accepting students that maybe need our school more, than any other school has. And so if we start saying, "You know, we're not going to take you, academically," we can't fulfill those shops, in terms of the welding, the plumbing, and the shops that don't necessarily need a college education.

And that's kind of where we come in. We don't want to change our mission. We want to be that beacon for all of these students. But we also don't want to be penalized. And that's-- As a vocational school -- and I know across the state -- and Judy and I have talked about this at length -- we want to be there. We want to be able to be an outlet for students so they're not dropping out.

I can count on two hands how many kids have dropped out since I've been in the school district. And I've been in the school district for nine years. So that says a lot, in terms of -- when we talked about the

dropout rate. We're talking about things that-- We're giving these students skills that can transfer into the real world.

Somebody did mention-- I think Judy mentioned about, we're taking kids -- our largest sending district, 24 -- our largest sending district had 24 percent of the students pass the GEPA in 8th grade. That's the largest sending district sending to us. And only 24 percent of them have passed. And we're only getting a portion of them. So for us, you know, the growth from 8th grade to 11th grade is critical.

And, again, with the news articles-- We had the front page of the Burlington County paper -- was, "BCIT does not make Adequate Yearly Progress." And then they mentioned some other schools in smaller print. We were the one on the front page. And that's where, as a school of choice, we've lost out. We know what we can offer our kids. Our students are leaving with great things. But we can't necessarily do it for them. We're remediating within the shop areas. Instead of saying, "All right, you know, we have-- You're going to go to your shop class," we're pulling them out of their shop areas, that they're coming to us -- so we can remediate for the English or the math.

And the last thing I want to put out there is that, with the shop areas and with all the different programs that we offer, we are providing that cross-curricula. We're providing -- showing, "Hey, this is what's going on with the English, this is what's going on with the math. And this is how you can put it into the real-world applications." And I think that cross-curricula opportunity is there for all the vocational schools. And it's important for us to maintain that mission, and maintain that goal, without being penalized.

I thank you for your time.

MS. SAVAGE: Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

And, certainly, one thing that we have to keep in mind is that -- is: What is our ultimate goal? And actually, the woman from the Newark Public Schools had a couple of very good questions that we should be asking ourselves always. "Why are we doing this? Why are we educating students? Are we educating students so they know particular curricula, or are we educating students so they have the best possible chance for a successful, productive life?" And in many cases, where you would get high marks on that grade -- but in the context of No Child Left Behind, you may be failing marks. And we have to certainly take a look at that. That's critical.

Assemblywoman Truitt, and then Assemblywoman Voss.

ASSEMBLYWOMAN TRUITT: Yes. I would just like to add to what you said, in regard to motivating youngsters and the cross-curricula planning. That is very key.

I'm in a middle school. And taking out those subjects that were vocational -- identified as vocational subjects, even at the middle school, I feel it has made a negative impact. Because at this age level, it gives youngsters an avenue to experiment and to help them identify their strengths. Shop, home ec, drafting, some of the other programs that many of the school districts have taken out-- It shortchanges them. Because at that age, they're coming into finding themselves. In doing that, as I stated, helps them to identify the things that they may move forward in with a

career, especially-- Just like art -- the arts are important, so are the vocational classes important.

And planning across the curriculum, you're still getting all of your major subjects -- your math, your sciences, your creativity. And much of that, I find, has been stifled. And then again you mentioned -- someone mentioned -- team planning. That's key. That's very key. And those are the areas that help the staff plan, it helps the school plan, the district plan to see where they can move forward to look at where they are, and just to look at the areas that they can identify where the children's interests lie.

And I'm here to tell you, a number of those classes have been taken out of the schools that I'm a part of. And when some of those classes are canceled, for whatever reason, the youngsters become highly upset. Because young men -- the cooking, okay? It exposes them to another world. He or she may not be the college -- per special education -- they may not see college in their future right now. But the more they get into these programs, the deeper they get into these programs, they can identify another way of making a living. Once they're exposed to the culinaries -- as I said -- the arts, they see other avenues that will make -- move them forward. They may not have a clue of how math or science, right now, ties into their future. But if those classes are there, and they're exposed to much of what those -- the curriculum is for those classes, it helps them to move forward.

So I hear you. And I still see a need. The academics are important, don't get me wrong. But everyone will not go to college. Okay? So I concur with you.

ASSEMBLYMAN STANLEY: Thank you, Assemblywoman.

Vice Chairwoman.

ASSEMBLYWOMAN VOSS: Thank you, Chairman.

As you know, I'm a very big proponent of vocational education. And I think that vocational education has saved thousands upon thousands of our children. I wish we had more than the number of vocational schools that we have. And I have two bills in now I just want you to be aware of. One of them is to get some more funding for schools that offer vocational and technical education for teachers. I went to Montclair as an undergraduate. They had a wonderful vocational program. It has now been done away with. And to my knowledge, there is only one college in the state that prepares teachers for going into the vocational arts. The other bill is to get some assistance for people who want to train to become vocational and technical teachers. So I will be pushing very, very hard.

I happen to go up to Bergen Technical and Vocational School frequently. And I can't tell you how happy the kids are there, how well they are doing. The teachers are happy. The school is expanding by leaps and bounds. And we have to do things that will promote vocational education. I don't think we do enough of that.

Another idea I have is that -- in the Abbott districts, we spend a great deal of money to raise the level of education for the children. I would like the money to follow the child. So if a child comes from an Abbott district, who is attending a vocational school, the money that would be allocated for that child's education should be allocated to the vocational school.

And I cannot say enough -- it's exactly what I was saying before -- we have to make education relevant to our children. They have to know

why they're learning what they're learning. And they have to come out prepared with skills so that they will be able to go in the marketplace.

When I was in college, I had an opportunity to be an exchange student and to go to school in several European countries. There, vocational education is valued, it is promoted, it is thought of as something that is wonderful. Because some kids go on to study -- to go to the university, others go into the work field. And education is a life-long thing. It is not something that stops. And we have to make sure that our kids have the opportunities that are going to allow them to develop their full potential. And I think vocational education is really the way that we need to go for many of our kids.

So keep up the good work.

MS. SAVAGE: Thank you.

MR. CATANZARO: Thank you.

MS. SAVAGE: Thank you very much.

ASSEMBLYMAN STANLEY: Thank you very much.

MS. SAVAGE: Thank you for the opportunity to speak.

MR. CATANZARO: Thank you.

ASSEMBLYMAN STANLEY: You're very welcome.

I also want to recognize another member of the Newark Advisory Board. Actually, we work out together when I get a chance to work out. He works out more than I do. Nelson Perez, from the Advisory Board -- school Advisory Board for Newark Public Schools.

Thank you for being here, too, Nelson. We appreciate your interest in this issue.

I'd like to ask David Shreve to come forward and do the presentation on the issues that some of us have seen throughout the country.

David Shreve is actually the-- No Child Left Behind Task Force for the National Conference of State Legislatures really took, during the course of probably about a year -- maybe a little more than a year, year-and-a-half -- to go from -- go to a number of states. And we took testimony from a number of professionals working in the field, one of which came out of Newark. The woman we heard from a little earlier today, Ms. Chavis, was one of the presenters on the -- for the Task Force.

And we came up with recommendations to Congress. And we have since actually met with members in Congress on those recommendations. And I would ask that the superintendents really look closely at what we have at this point, and maybe couch your testimony to some of the things that, perhaps, we have not seen, or you don't see up here, so that we can include them in some of our recommendations and some of our conversations with the members of Congress.

Thank you, David, for coming up -- taking a trip from Washington -- you and Diana. We certainly appreciate your work on the Task Force.

DAVID SHREVE: Thank you, Mr. Chairman, Madam Vice Chair, members of the Committee.

I'm going to give a -- well, as brief as I can -- an overview of the findings of the National Conference of State Legislatures' Task Force on No Child Left Behind, which we released two years ago in February. I might be -- seem like I'm going around the barnyard to get there, but we will get

there and discuss the findings of the Task Force, as well as how we translated those into recommendations; and sort of an update, as well, on what's going on, on both sides of Capital Hill, in regard to the reauthorization issue. The Congressman probably did a better job than I could ever do at explaining what's going on in the House. But there are other activities that I think we need to review to have a thorough understanding of what's going on with NCLB.

These are the findings of the Task Force. There are six chapters, and we'll go through most of these briefly.

But before I even start, let me explain why our leadership decided we needed a Task Force on No Child Left Behind. And that dates back to November of '03, when we had had a series of meetings with high-level White House people on our concerns about No Child Left Behind. And we took a delegation of about six legislators to the White House to meet with the President's senior advisors on education. And at that meeting, we took only Republicans, because we had had some problems with the administration listening to people from the Democratic party, and thought maybe we'd try with five or six Republican members of state legislatures.

We were led, at that time, in that meeting in November of '03, by Speaker Marty Stevens, who was the President of NCSL at the time. Speaker Stevens was the Speaker of the Utah House. No one could ever confuse him with being a Democrat, nor Liberal, nor anything other than a conservative, Mormon politician. But he was trying very desperately to get our issues heard at the White House. And over the course of about an hour-and-a-half meeting, we got to a point where we were talking about

special education and the problems we saw with special ed and No Child Left Behind.

One of the members of our delegation was a Utah legislator, who had spent 20 years as an LD teacher in the public schools in Utah. And he brought up the issue of learning-disabled kids. And one of the members of the team from the White House and the Department of Education said, "Representative Holdaway, you realize that the reason we have so many disadvantaged kids" -- I mean -- "disabled kids and learning-disabled kids is because of bad teachers."

Now, the response around the room was very, very quiet. And I was trying to be a good staff member, and I said, "Ron, clearly, you don't mean that bad teaching causes learning disabilities. You probably mean that good teaching, at an earlier age, can ameliorate some of the problems that learning-disabled kids had." He said, "No, Dave. Bad teaching causes learning disabilities."

Well, we went on with that discussion for another half-an-hour. And as we were walking out of the old executive office building, Speaker Stevens turned to me, and he said, "We have to do something about this. That was the dumbest thing I've ever heard in my life." And I tended to agree with him. Thinking that bad teaching causes learning disabilities, and not understanding the distinction between that and early intervention, was unfathomable to most of us in the room.

So it was Speaker Stevens, from Utah, who decided to create the NCLB Task Force in late 2003. We started meeting in April of '04. The Chairman was one of eight Democratic members of the Task Force. We had eight Republican members of the Task Force. Of those 16

members, I think 12 of them were chairs of their education committees of their respective chambers from the states they came from. And they represented states from all across the country.

We met for, basically, every month for nine months. It was a grueling schedule, including an election cycle for many of the members of the committee -- of the Task Force. And these are the findings we came up with, in the order that we came up with them. So let me go through these for Chapter 1, on the appropriate Federal role for the Federal government in K-12 education.

Our first recommendation was that we needed to shift the focus from the processes and requirements to outcomes and results. Despite what NCLB has been marketed as, it is highly bureaucratic and highly compliance-oriented. And we saw this as an egregious problem with the Task Force, even back two years ago, or more than two years ago.

As a current example -- might illuminate this for you. For those of you who get bored, or sleepless at night, and read the Federal register, you might have noticed the October 2006 estimate that came from the Department of Education itself, estimating the reporting requirements on state education agencies, local education agencies, and schools to be, for this current year, 6.7 million hours, which is up 150 percent from their last estimate, which was three years before that. They calculated that at \$26 an hour, that's in excess of \$135 million of bureaucracy just generated by No Child Left Behind's reporting requirements. Not testing, but reporting requirements, about how schools are doing.

We also found, in talking about an appropriate Federal role, that there were unfortunate conditions at the Department of Education

that led to arbitrary and capricious interpretation of rules concerning grant and waiver applications, and other problems within the implementation of No Child Left Behind. A good current example of that is the problems going on in Reading First. If you haven't paid any attention, you -- or you may have noticed that the Inspector General's Office, within the Department of Education, found that Department of Ed officials were steering schools and districts to certain kinds of reading recovery programs. They found that the Department had probably violated the law by attempting to dictate which curriculum schools must use. They weren't being direct in saying, "You have to use Curriculum X." But if somebody applied for, and said they were going to use Curriculum Y, they would say, "No, you probably shouldn't try Curriculum Y, you should try Curriculum X." To me, it has brought forth the question in my mind as to when the whole phonics, whole language thing became a political issue. And it seems like, to me, it has become a political issue. As a result of the findings with the IG's Office, some of these conditions and some of these violations have been referred to the Justice Department for prosecution.

But in getting back to the whole arbitrary and capricious notion -- or *transparent and uniform*, as we called it in our Task Force report -- we've got just a series of examples of how this program was implemented so unfairly and so inconsistently that we have to wonder what is going on. The first state that we were aware of was Nebraska. I don't know if anyone knows, but when Nebraska first applied and developed their plan for implementing No Child Left Behind, they negotiated a special deal with the Department, directly with the Secretary of Education at the time. And the deal was this: Rather than develop a statewide system of accountability and

testing, Nebraska said, “We have this system of local testing. And we’re going to run it through a statistical model. And that’s going to make it comparable across the state.” So, in secret, this flexibility was granted to Nebraska, but not to any other state, to allow them to continue their very fine system of local testing, and not have to go on and dump that and start all over again.

Unfortunately, this became public knowledge, and the Federal government reneged on the deal in August of 2006, and said, “Oh, by the way, Nebraska, you’re out of compliance -- even though you’ve been doing this for five years -- since the beginning of No Child Left Behind.”

In California, as well as in Arizona -- which is the next slide -- the Californians were concerned that the English-language learners not be included in grade-level English testing for five years. They thought it was unfair, because the original law and regulation was two years. They cut a secret deal with the Department, and exempted California from AYP calculations for three years, which the Californians were happy to have. Because when they asked for five, they were going to be happy to have three. They got the three, which is another exemption that any state in the country would have loved to have had four or five years ago, when they were first implementing No Child Left Behind.

Arizona: In May 2003, again, high-level Federal officials verbally approved exempting Arizona’s English-language learner kids from AYP calculations. Of course, this is a terribly significant issue in Arizona, where there is a huge Hispanic contingent of students. This was allowed, again, under the promise that, if it became public, the Department would back away from the deal. Indeed, in August 2005, the peer review teams

came through Arizona and said-- All of a sudden they said, "Oops, you're out of compliance." And the Arizona Superintendent said, "We're going to sue you, because you're renegeing on a contract agreement."

Closer to home here, at the very beginning days of No Child Left Behind, there was to be a Rose Garden ceremony in June -- I'm sorry, January of 2003. The folks in New York were one of the 10 states -- I think it was -- that had done an early application and early implementation plan for No Child Left Behind. But they had a problem, and they said, "You know, we're using the Regents tests in New York. It's been going on for years, and years, and years. It allows retakes of the test. And we're not going to participate in this Rose Garden ceremony unless you allow us to do that." So New York towed the line -- stood up to the White House, and the White House said, "Okay. We want you to be in the press conference. So you can allow retesting."

Contrast that to other states, such as Virginia, which allowed retesting under their Standards of Learning program -- which requested the same kind of flexibility all the way through, from the beginning of No Child Left Behind. But it wasn't until almost three years later, when the Department said, "Oh, okay. Well, we're going to let you do retesting. We've been letting New York do it for all these years. We might as well let you do it." And now they're letting a half-a-dozen states do retesting as part of their plan.

In Washington, the Washington State Education Agency proposed to change their "N" size for special ed kids, in order to qualify for a new flexibility that's called the 1 percent or 2 percent special ed exemption. They did this in order to comply with the requirements to get

the new flexibility. But the request was denied under what I call the *rabbit-hole* explanation: that the state was simply trying to get the 20 percent exemption -- or the 1 and 2 percent exemptions, which equals 20 percent of your special ed population. So that was the reason for their denial.

In Texas, in August of 2005, the commissioner of education interpreted Texas law to say that Texas law could exempt up to 90 percent of students, 9 percent of special ed student -- 9 percent of students, or 90 percent of special ed students, from the grade-level proficiency tests. They did this, and immediately the number of Texas schools failing on the AYP watch dropped from 1,700 to 400. And the number of failing districts dropped from 517 to 86 districts. The Department of Ed fined the state \$444,000. Now, this is out of a billion-dollars-plus that Texas gets. So it was a drop in the bucket. And this was for an unrelated infraction, which they later rescinded as part of the Katrina deal for the Gulf states.

In Florida-- Florida is a perfect example of the conflict between Federal requirements and state practices. In the early years of No Child Left Behind, over 87 percent of Florida's schools were identified as failing in the first year of NCLB. And of those, 22 percent had received an *A* or *B* under the Florida accountability system, which they run parallel. So Florida decided that if you got an *A* or *B* on the Florida state accountability system, and you failed AYP, they would give you something called *provisional AYP attainment*, which was endorsed by the Department of Ed. Again, something that any state in the country would love to have in order to rationalize the distinction between your state accountability system and the Federal AYP system.

In Oregon, after being turned down for the initial round of growth models -- which I will talk about in a minute -- Oregon reapplied and were denied, again, the opportunity to use a growth model to measure student performance. The reason given was that the state had recently revised their standards -- their content standards -- upward. And the Department cited this as an example of instability within the system of the state. This, despite the fact that Tennessee had done exactly the same thing -- that is, revise their standards, apply for the growth model waiver, and then had it accepted.

So our first recommendations clearly center around an appropriate role of the Federal government, including some uniform, and consistent, and transparent standards for how the law is implemented.

In our Chapter 2 about Adequate Yearly Progress -- which we consider to be the centerpiece or the engine that drives No Child Left Behind -- we have to keep in mind a couple of facts. AYP gives states 40 ways to fail and only one way to pass. In other words, you have to meet all the conditions to pass AYP. And if you failed one condition, or one cell on a grid, the whole school fails.

As we met as a Task Force, we realized -- and many of the members spoke out on this -- that state accountability systems were used, mostly, to diagnose problems and to focus resources; where AYP was designed to identify failure and to punish schools. And our favorite -- my favorite quote of the whole Task Force process over the year -- and I hope, Chairman, you remember this -- when State Superintendent Doug Christiansen, from Nebraska said, on the narrow range of multiple choice testing, "Weighing a pig more often does not make it fatter." (laughter)

This is an example of a hypothetical school -- an AYP chart for a hypothetical school. And if you can see, down the left-hand column you have to list all students, the disadvantaged, and the various racial and ethnic groups. Across the top you have reading and math. And in each test, you have a participation rate, which is 95 percent, and a proficiency score -- whether or not you're meeting the cut score that we've all talked about. So what you end up with is at least 36 -- and more often others, because you have to have one additional indicator as a minimum -- so a minimum of 37 indicators to measure the performance of a school versus AYP.

This school failed to get its students with disabilities to pass the proficiency test in reading. So it missed one cell out of these 36 cells. And under AYP, and under No Child Left Behind, this is a failing school, or a school in need of improvement. There is no distinction between this nonperforming school and *this* nonperforming school. There is no distinction in the terminology used to determine whether it's failing or successful, and there's no distinction made between what the consequences are for failure at this level or failure at that level.

This is a chart with the percentage of schools not making AYP from 2006. This is from the American Association of School Administrators. I thank them for sharing their information. You see New Jersey is at 29 percent. Look at your neighbors and decide -- and look across the country -- and decide how many of these states are so much better than yours. For instance, compare yourself to Texas, where only 9 percent of the schools are failing AYP. (laughter) Clearly, Texas is three times better than New Jersey, as far as their public education system. What

this is an indication of is the fact that schools -- states are allowed to set their own content standards and to set their own cut scores for what the definition of proficient is. So what you have here is a pretty stark example of why you can't compare any score from any state with any score from any other state, whether it's a neighbor or across the country.

Then we have the issue of the flexibility that's been granted and the waiver authority that's been granted, which I did not really talk about in depth with these other specific state issues. These are a list of the kind of flexibility that has been granted to states over the last three years, I believe -- two-and-a-half, three years -- from the Department on a real piecemeal basis. All of these issues -- confidence intervals, safe harbor provisions, standard errors of measurement, uniform AYP averaging, rounding rules, and indexing -- all are attempts to ameliorate the problems with AYP, which we know is a very inartful and inaccurate measurement of student performance.

It's gotten to the point where these things that have been implemented in the states that I mentioned -- in the number of states that I've mentioned -- have now become what the Harvard Civil Rights Project calls, "What once seemed a clear if highly controversial policy has now become a set of bargains and treaties with various states." In other words, we don't have a Federal No Child Left Behind law, we have 50 No Child Left Behind laws.

But these are the states -- I think you're on here. These are examples of what states have gotten which flexibility. You see New Jersey, here, has gotten minimum subgroup size flexibility, extra time to graduate, identifying districts for improvement, and the use of confidence intervals, as

well as the option of retesting -- the option that New York has had for five years.

And this raises the question of: Is this uneven flexibility -- in other words, 17 states getting one thing, four states getting another, 17 getting a different adjustment -- is this uneven flexibility and waiver authority a symptom of a problem or a solution to the problem? I think we would argue that it's a symptom of the problem, because you're having to make all these changes -- these statistical changes to AYP -- when we know from the very beginning how inaccurate -- again, inartful -- AYP was as a metric. As a matter of fact, when Congress was conferencing No Child Left Behind, back in 2001, they got a whole group of psychometricians together in a room and said, "This is what we're doing." And every one of the psychometricians said, "Please don't use AYP as a measurement or a metric that has any consequences attached to it, because of its inaccuracies and its problems." Unfortunately, they were ignored.

So it raises the question of: What do these allowable adjustments mean? And I suggest to members, both at the Federal level and at the state level -- or even at the district or school level -- try this as an experiment. Ask 100 parents of your school-age kids to explain the impact of indexing and the application of standard errors of measurement on Johnny or Jillian's school's AYP rating, and see what kind of a blank stare you get. If they don't have a psychometrician in their pocket, they won't have a clue as to what you are talking about.

So our Chapter 2 recommendations about AYP are: We should recognize the degrees of failure and subsequent consequences. Give states the option of adding or substituting a true student growth approach to

testing. There is no such thing as a growth model with absolute targets at the end, which has been suggested as a way of getting around the problems of AYP. Allow states to use multiple measures, which I think the Congressman talked about, and which is a wonderful suggestion. Reduce the overidentification of failure and make the Adequate Yearly Progress provisions less prescriptive, and rigid, and absolute. And allow states to decide the order of interventions when a school is identified as being in need of improvement and to target those interventions. For five years, the Department of Education fought switching the order of public school choice for supplemental education services, when it clearly makes sense to make this the decision that's done at the school level, or at least at the district level.

Chapter 3 was our chapter on students with disabilities and limited English proficiency. This one is actually very simple. IDEA requires that you teach kids according to their ability. And No Child Left Behind requires that you test them at grade level for all but about the 10 percent of the special ed population, or the additional 20 percent of the special ed population, if the Department gives you the flexibility to do that.

There are significant contradictions between NCLB's expectations for students with limited English proficiency and what is commonly acknowledged by research. And I think, again, that was brought up earlier today.

My suggestion to understand this -- to individual members, is this: If you believe that ELL kids can take English language skill tests in two years, or even three years, I would suggest that as a condition of you running for reelection the next time, you start taking Farsi lessons and take

a test in Farsi in two years to see whether or not you can pass it, as a test for whether or not you can run for election.

And then, clearly, another issue with the English-language learners, or limited-English proficient students, is that you -- is they don't do anything to differentiate between a kid who comes in at age 16, who has never been in school in his life, and hasn't spoken a word of English; versus a kid who may have been born in the country but came from an immigrant family. And you've got to be able to distinguish between someone who has been in this country for most of their life and absorbed some of the culture, but may have English problems; with someone who not only doesn't have any English, but has not had any formal schooling, let's say, from the country they came from.

And then, of course, the problem with both special ed kids and a limited-English proficiency kid is that the group-- The achievement of proficiency and the movement out of the group means that only those who by definition cannot meet the proficiency requirements populate that subgroup. In other words, you have two subgroups who are defined by their inability to perform at grade level, whether it's because of English problems or it's because of -- they're special needs kid.

But those are the exact definitions and the defining characteristic of who is in that subgroup. So we're always going to have those subgroups failing at a much higher rate than anywhere else.

And, finally, we found that IDEA is not only a statute, but also has basis in civil rights law. And our answer to this is that IDEA should always trump No Child Left Behind, with the individualized education program deciding the appropriate testing regime for every special ed kid,

not some arbitrary designation of 1 percent exemptions, or 2 percent exemptions, or a total of 3 percent exemptions. We think IDEA always trumps No Child Left Behind, and should.

Now, we've heard a lot about the additional flexibility for the new kinds of special ed population groups that have been determined by a very long and convoluted Federal register process. These are the five new groups of special ed kids that the Department has determined exist: that there are kids that need alternative assessments, based on alternative achievement standards. These are the severely cognitively disabled kids. And this is the 1 percent exemption from the overall student population, or the 10 percent of the special ed population.

Then we have the kids that are alternative assessments on modified grade-level standards. This is the 2 percent group. Alternative assessments on grade-level achievement standards; all the way down to four and five -- the regular State assessments on grade-level achievement standards. So these are the five new groups, five new testing programs that you're going to have to put into use if you want the ability to exempt up to 30 percent of your kids from grade-level -- your special ed kids from grade-level testing.

The question that that raises in my mind is: Does this new emphasis on accountability reflect increased achievement and are special ed students benefiting from these assessments, or is it just another testing regime to go through? And, clearly, on a practical level, with the need for more tests and more personnel to administer the five levels, how are resources for actual services impacted?

If you've ever seen-- If you've never seen the videos of some special ed kids -- in wheelchairs, with CP, and problems focusing or even staying awake -- taking a test -- taking hours, and hours, and hours of a test that's administered by one person, on a one-on-one basis, I suggest you find these. They really are heart wrenching and underscore the issue of: Why are we testing kids who are still -- at a high level, and trying to compare them to grade-level standards? Why are we testing kids who are trying to determine the distinction between a fork and a spoon? Why are we trying to even consider them in the same class as kids -- I mean in the same testing class as kids who are functioning near grade level? And, of course, it does raise the issue of: What do you have to do to be eligible for this flexibility? And, yes, we're getting back to the transparency and consistency issue, or the arbitrary -- what I call the *arbitrary* and *capricious* issue.

These are the 27 requirements that states -- or I call them the *27 hoops* that states have to jump through in order to get the additional flexibility of the 1 percent and 2 percent, or total of 3 percent, exemptions. The one that really sticks out at me is: You see here that, in order to get this, you would have to allow the Department of Ed, in Washington, to review your fiscal management procedures within your school and to review how much progress you're making in high school reform initiatives -- which in the minds of people in Washington means: Have you implemented testing -- additional testing at the high school level?

So after you jump through these 27, this is where you got in order to determine whether or not you got flexibility for your special ed kids. This is very straight forward: You figure out what the number would be of 2 percent of all students assessed; add that proxy to the number of

students with disabilities who are proficient; and then use this new number to calculate AYP, only if the school did not make the AYP solely due to students with disabilities. Now, I challenge anybody in this room to explain to me what this means, because I don't have a clue.

Following up on students with disabilities and LEP kids: The Department has hyped a very specified road map for what determines whether you're a highly qualified special ed teacher, and this is it. Work your way through this to determine whether or not you're highly qualified under Federal definitions of special ed teachers. And similarly, for highly qualified teachers -- not special ed, but general teachers -- there's another road map that's been developed. And this is how you figure out whether you're a highly qualified teacher under the Federal -- the simple and straightforward Federal guidelines of No Child Left Behind.

Okay. Then we get to the issue that's actually easier to deal with, because it doesn't involve a whole lot of jargon. But it still has become very complicated because of positions particularly the Republicans have taken in defending appropriations for No Child Left Behind.

We've all heard that there are historic increases in Federal funding for No Child Left Behind and for Title I, and that is true, indeed. But those increases will amount to about \$10 billion -- total of \$10 billion over the five years that we've seen No Child Left Behind. And what we found is that that \$10 billion is about 2 percent of the overall K-12 budget in this country.

And when we looked, as a Task Force, at the spending patterns of states as they tried to implement No Child Left Behind, what we found out up here is that it was taking states between 1 and 5 percent of their

aggregate K-12 resources just to comply with the administrative requirements of No Child Left Behind -- 1 and 5 percent on a yearly basis. So that means it's compounding every year. And under a conservative estimate of the average cost to implement No Child Left Behind, we use 2 percent of aggregate state budgets; and an expansive evaluation of Federal funding increases, which was 2 percent. The cost of complying with No Child Left Behind's administrative requirements is exactly matched by the Federal appropriations increases. In other words, you're getting an additional 2 percent as a result of the Federal increases in No Child Left Behind; and it's costing you at least 2 percent -- in most cases, much more than that.

Most recently, the state of West Virginia had Augenblick & Myers -- probably the premiere school finance folks in the country -- do an estimate about the cost of not only complying with No Child Left Behind, but also trying to reach the 100 percent proficiency target. And in West Virginia, what they found after six months of study was that West Virginia was spending between 4 to 6 percent annually, on a recurring basis, to comply with No Child Left Behind; and was having to spend -- would have to spend 8 to 10 percent annually on a recurring basis in order to meet the increasing targets of No Child Left Behind.

Now, this is sort of complicated by the fact that West Virginia, like a lot of other states, uses this track for proficiency. In other words, you don't have to show performance increases for two years. And they're showing very modest 10 percent increases for the first three years, and then 10 percent more. But when they get out to the eighth year of No Child Left Behind, which is about 2009-2010, they're then starting to show 10

percent increases a year, or 40 percent over four years. So the pain is put off. And we call this the *balloon payment* method of complying with No Child Left Behind. In other words, “We’ll make some progress, and then we’ll hope it’s reauthorized before we get to the point where we have to hit these proficiency targets.”

So as a result, when West Virginia figured out how much money they were going to have to spend, they only figured it out up to this year. Because they knew there was no way they were going to come up with money to hit 100 percent, nor did they think that anybody would ever hit 100 percent.

But this is what they came up with, when you use those numbers -- the minimum numbers of compliance and meeting proficiency -- and, again, compounding annually. So, essentially, what this tells you is that in the eighth year of No Child Left Behind, West Virginia is going to have to increase their K-12 budget by 245 percent in order to comply with the provisions and be on track to meeting proficiency.

Now, we all know that funding is part of the problem in education, but it’s not all of the problem. And, clearly, there are very few states that have the political will or the resources to come up with 245 percent increases in their K-12 budgets to meet the requirements of proficiency targets of NCLB.

And complicated by that is the fact that every state that’s done a proficiency projection rate has come up with 75, or 80 to 95 percent. You see the states that have done these: Connecticut, 93 percent; Minnesota, 90 percent-plus; Massachusetts, 74 percent. This is the failure rates that they

project in the year 2014, when we're all supposed to be at 100 percent proficiency targets.

In addition, the cost issues are complicated further by a change in the funding formula -- the distribution formula for Title I that was part and parcel of No Child Left Behind, and well-intended to push more money to highly disadvantaged districts. But there are some very, kind of, perverse consequences of that. And that is this: For school years '06-'07, 38 percent of LEAs will gain Title I funds, but 62 percent of LEAs will actually lose Title I funds, compared to what they had before. Unfortunately, there's a new provision in the law that says states are now required to reserve 4 percent of their funds for school improvement; in other words, for the schools and districts that are three, or four, or five years in failure of meeting AYP prescriptions. So if you factor in the 4 percent reserve that states have to hold back, this year -- this school year alone, 10 percent of LEAs gained funds; the remainder lose -- so 90 percent of school districts lose Title I money; and 25 states are losing Title I funding compared to the previous year.

You guys are here. You're one of the top 10 losing states in dollar amounts, but not in percentage amounts, because you're only losing about 2 percent. You see some big changes in states like Wisconsin, with a loss of 14 percent, and others. I threw these in, in case anybody really wanted to compare yourselves. But at a time when we desperately need more Title I resources to deal with the problems of structurally underperforming, disadvantaged kids, we're seeing half the states losing funds, and two-thirds of the districts losing funds, compared to what they were getting in previous years.

When we looked at reauthorization issues-- These were just sort of off the top of my head. And they've been-- We've been adding to them. I mean, clearly the compliance issue versus flexibility in states like Arizona and Nebraska-- Are these deals that they cut legitimate or not legitimate? And are they legitimate for the whole time, or are they legitimate for part of the time? I mean, you know, that's leaving states in the lurch to try and determine what they're getting, and how they're going to get it, and whether they should even ask for it.

The whole issue of individual versus group assessment: There fortunately seems to be some agreement about the individual versus group assessment, the so-called *growth model*. But despite all the talk about it, only two have been allowed and approved to use the growth model at the state level. That's Tennessee and North Carolina. There are three more that are theoretically in line to use it in this upcoming school year, if they jump through all the hoops that the Department has set out for them.

The administration has shown an incredible resilience into expanding No Child Left Behind in high school. It's in their blueprint for reauthorization of No Child Left Behind. They tried once to turn all the Perkins Vocational Education money into a high school testing program for No Child Left Behind -- were overwhelmingly defeated in the House and Senate. But as you saw in the requirements for meeting the 1 and 2 percent, and 3 percent exemptions, they're trying again to get additional testing in the high school level through NCLB-type tests.

Expansion of choice to include private schools-- The House Republicans made some noise about this before the election, and even made noise about it after the election, realizing that they probably had no chance

to get it either before or after the election this last November. The Democrats are talking about increased funding to reach 100 percent proficiency, something that I think, as a Task Force, we determined was never going to happen in any state. The whole issue of national standards and national tests have arisen as a fix to some of the problems of No Child Left Behind, specifically the comparability of No Child Left Behind testing from one state to the other. Keep in mind that nobody ever sold No Child Left Behind as a comparability from one state to the other. It was about increasing student achievement in every state, not comparing one state to the other.

We have-- But, unfortunately, we have six prominent Republican policy wonks, very well-known, and many Democrats who have either endorsed or proposed national standards. I think, as an organization, our position will probably be -- because we don't have an official position on national standards -- but it will probably be that national standards may be an idea that we should talk about, but it's not part and parcel of reauthorization of No Child Left Behind, and it obscures many of the issues that No Child Left Behind needs to have addressed and to be fixed in reauthorization.

The administration has a proposal out called the Blueprint for something-or-other for No Child Left Behind. Interestingly enough, there are three very prominent preemptions of state laws in the White House's and Department of Ed's proposal to reauthorize No Child Left Behind. They want to preempt state law regarding vouchers; they want to preempt state law regarding the number of charters; and they want to preempt state law regarding collective bargaining agreements for teachers, so that they can

relocate good teachers to hard-to-serve kids in bad schools. It's not a bad idea, but probably not the way to go about it.

And in the report mentioned by others -- and I'm not going to go into great detail about some of these other recommendations -- but in the Aspen Report, there is a suggestion that -- one of the many, many suggestions in the Aspen Report is that they should put a right of private action into No Child Left Behind. Now, right of private action is what we have in IDEA. It allows a parent or student to sue if they feel they aren't getting the services required. It's one of the things that probably has had some good effects, but has had the effect, in the IDEA system, of layering incredible layers of lawyers on the whole system. I think we, as an organization, believe that the right of private action in No Child Left Behind would be a disaster, just layering more and more layers of lawyers on the whole system.

The lessons we learned from the No Child Left Behind implementation-- And I should preface this by saying everyone on our Task Force believed that No Child Left Behind perfectly articulates the problem of disadvantaged youth and underperforming kids. So the ideal and the marketing plan for No Child Left Behind was wonderful. But the weapons or the tools in the toolbox to deal with those issues are just not there. If anyone thinks that having high expectations, that punishing schools, that allowing for a few students to get supplemental education services or to change schools into another public school is going to fix the achievement gap that we have, I think you're sadly mistaken. It's one step towards it, but it's not the panacea for all of our problems.

And what we learned from NCLB implementation thus far is this: Our system of government is predicated on a distrust of centralized power exercised arbitrarily from afar. And, unfortunately, I think that's what we have with No Child Left Behind. The feds aren't very good at micromanaging processes. In other words, they shouldn't be telling schools when to test, how to test, who to hire. What they might have the capacity-- They don't have the capacity or the self-control to avoid the heavy-handedness that we've seen in all the examples that we -- that I just gave you a taste of. And despite the admirable and articulate goals of No Child Left Behind, it's become a process-oriented exercise in bureaucracy that could be made worse and certainly will not be made substantially better by the expansion of the Federal role in K-12 education.

And, in summary, when you look at the two sets of recommendations that we've reviewed for this, and that are in one of the handouts that you have, we called the Department of Ed's Blueprint for No Child Left Behind *Surge I*, because they want to do more testing; more standards-setting; more reporting for local schools to the Federal government; and more preemptions, as I might add, of state and local laws. And we call the Aspen Commission Report *Surge II*, because, again, it's more testing, more standards, more reporting, more bureaucracy.

And, unfortunately, I think we've gotten to the point with NCLB where we need some very severe action. And we're seeing it happen in parts of the House and the Senate. Let me read you a line from a letter that 10 Democratic Senators sent to Senator Kennedy, who is Chair of the Senate Health, Education, and Labor Committee -- just one line. These are 10 Democrats that signed on to this letter. "While we support

accountability in our schools, we have also heard about the multitude of implementation problems with the law's provisions, and believe these concerns must be brought before this Committee. We have concluded that the testing mandates of No Child Left Behind, in their current form, are unsustainable and must be overhauled significantly during the reauthorization process beginning this year." This letter doesn't have any -- have some specific suggestions. But what they're saying in this letter to Senator Kennedy is, "We want comprehensive, and deliberate, and serious reform, not just nipping around the edges, to fix No Child Left Behind."

Similarly, we have 57 Republicans who have signed on to something called the A-Plus Act, which is essentially an old block grant proposal to block grant Title I and other K-12 moneys to the states. And in exchange, states would just have to prove that they're making improvements in student performance and closing the achievement gap, but they would do it with their own measures, and their own standards, and their own tests, and on their own schedule.

So there we have it in a nutshell. You have copies of the Task Force's report in front of you. We ended up with 43 recommendations in the Task Force. Again, the members of the Task Force -- even the ones who didn't like No Child Left Behind -- liked the fact that it identified so many of the problems and articulated those issues. And, again, I emphasize that the problems with No Child Left Behind that we found in the Task Force's hearings were more in the manner of what kind of remedies were offered, and not the intent, and not the reporting of subgroups or the data -- gold mine of data we've gotten from No Child Left Behind. Because we all agree that that's good. But the process and compliance mentality that's been

brought on by the Department of Education, through No Child Left Behind, is really stifling states and not really doing the things that it's intended to do, which is to close the achievement gap and raise all student performance.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much.

Would any of the members like to ask any questions? I'm sure David was thorough enough that we don't need to ask any questions.
(laughter)

ASSEMBLYWOMAN VOSS: What an education.

ASSEMBLYMAN STANLEY: We certainly appreciate his testimony and his continued work on No Child Left Behind; and, hopefully, offering -- continuing to offer Congress -- the members of Congress -- a blueprint for changing the Act.

Let me ask a superintendent to come up -- superintendent from Hillside Public Schools, Raymond Bandlow, I believe, was one of the first to arrive. And Zende Clark is with him, also from the school -- from Hillside Public Schools. And I think Angela Garretson, who is the President of the Hillside Board of Education, is here, or was here and had to leave.

RAYMOND BANDLOW, Ph.D.: She was, but she couldn't stay.

ASSEMBLYMAN STANLEY: I want to certainly acknowledge her presence.

DR. BANDLOW: My name is Ray Bandlow. I'm Superintendent in Hillside.

And with me is Zende Clark, who is our Director of Secondary Education; and also has been our Title I coordinator for some time, and has great experience with that.

Angela Garretson, our Board President, was here but could not stay.

I want to thank Assemblyman Stanley for inviting us, and for all the good work in what you've done with us in Hillside, too. We've been very pleased. You've been in our community so many times; and we really appreciate it.

I'm also very glad to hear today from our Congressman, Congressman Payne, who represents Hillside and does so, so well. We're an urban district. But unlike Newark, we are not an Abbott district. But we have the same challenges that they do.

I was-- I learned a lot from listening to the previous discussions -- the presentations. And I think that we intuitively knew how bad NCLB was, from our own, very limited, experience. Within just-- You know, my focus is two square miles and 3,500 students. It's not the big picture. But seeing that made me realize it's even worse than I thought. And you wonder that only a crazy person would think it's a good idea to expand that system to the high school. Obviously, that's just one point of view.

I think the real problem with this is that this law, from the beginning -- it married two very different visions together that were incompatible. And one vision was that of a generation of school reform leaders who really wanted to focus on minority kids, and disadvantaged kids, and kids who hadn't been served well by schools in lots of places. And that's a good vision. But then there was also the other vision of people

whose real purpose was to make sure public schools failed, that -- this is the profit-driven motive, this is the corporate, the private interests -- who see these billions of dollars out there for public education, and they want to get some of it. And that's all-- And they were given a free reign in developing the way this thing was implemented, to guarantee failure of public schools. And I love the slide that shows, by 2014, we've all failed. So then what do we do? Obviously, that's when you just pull the plug on public education and just make it vouchers. That appears to be the intent.

Well, this-- Is there-- You know, I think we can't forget the good part about focusing the spotlight on kids who are disadvantaged, kids who haven't been succeeding, who haven't been served well. That still has to be kept. That's about it. Everything else can be swept off the table with this law.

The way it's written, it does more harm than good. Because instead of providing support and resources to schools that are serving low-performing children, it punishes schools; it wastes instructional time with an overemphasis on tests; it sucks up your energy and your attention through horrible bureaucratic processes, like CAPA, that do no good and that take resources away. And I will give you some examples.

And, also, I have to speak about the 100 percent, because it sounds so good to say 100 percent proficiency. And believe me, as a Superintendent of an urban district, I understand very well how important it is to have high aspirations. You must have high aspirations, and you must use them every day to help children raise themselves up. That's critical. But if you do it in such a way where the system is set where they can't succeed, where schools can't succeed, and teachers can't succeed; and

you set unattainable goals that teachers know they're being set up for failure, you do great harm. And that's really what this does. That's what this is all about. They have no respect-- You talk to teachers around the state about NCLB, they have no respect for the law at all, because they know what it is. So you think about that.

And I give the example: If it's so easy to get 100 percent proficiency that you just legislate it, why not legislate 100 percent health for all children too? And if there are any kids that -- any areas or communities where kids aren't 100 percent healthy, take money away from their hospitals. That would be the solution, wouldn't it? And that's the logic when you apply it somewhere else.

I'll give you an example. We have a school in Hillside called the George Washington School. This is a really good school, with good teachers, who are doing a great job. They will never, ever get off the failing list. Why? Because they have, every year, 52 percent of their new kids that come in -- which is about half of their population -- come in new, new not only to the school, but new to Hillside. And almost all of them come into our community working below grade level -- virtually all. So for the first year of testing, the results don't count against the school for No Child Left Behind. But in subsequent years, it does. And so even they do a great deal -- even though they do a great deal to raise performance, help kids grow, show growth that a growth model would demonstrate -- under current rules, this school never has a chance of being anything but labeled failing. That is just unethical.

Now, we are-- People already spoke about the disabilities, the problem with that; about ESL. I don't need to go there. I can tell you I

have personally seen children cry when they're being tested, because they can't understand the test. Who thinks that's a good idea? Can people really justify that and look themselves in the mirror when they do that to kids?

The law needs to be repealed. I mean, I think it needs to be completely revised and reconsidered. And I also-- I love -- Congressman Payne had great recommendations. If we have to keep the thing, and reauthorize it, I support his recommendations with a couple of considerations. And one is about who is making progress. Because I thought he was just overly generous in ascribing progress in schools to No Child Left Behind.

If you look on the second to the last page-- I just gave you a couple of things about progress in Hillside. You can see in our second grade testing -- which is not part of NCLB, by the way -- five years ago, only 45 percent were proficient in math. This year it's 85 percent, almost double. Fourth grade: 32 percent were proficient in math five years ago; this year, 76 percent -- more than double.

Now, NCLB is not getting any credit for that. They're not, because they don't deserve any credit. And I will show you why. If you take a look at the last page, please, in my handout. In '02-'03, we received -- we're a smaller district -- \$700,000 in total Title I funds -- \$700,000. How much this year? Four hundred and fifty-three thousand dollars that we received this year. That's \$250,000 less, 35 percent cut. Now, where did the money go? Who took it? I'm hearing a lot about school -- about flat funding -- complaints about that. I'd be delighted with flat funding in this case. And what this has meant for us -- I'll tell you what it has meant,

in losing money of this magnitude -- that we had to lay off Title I teachers. We've had to eliminate teacher training in math and science. We've had to cut services. We were getting \$100,000 for our schools in need of improvement. This year it's \$18,000. Cut support for technology, cut support for counseling kids, cut support for substance abuse; eliminate family math nights, Saturday tutoring.

Now, how can NCLB take credit for our improvement when they've taken our money away that we were using to good purpose? We have, in New Jersey, the Grade 8 -- the GEPA test. We had a group of kids who failed the GEPA. We brought them in, and we put them in the high school with the support service. We were giving them support -- very vigorous, very aggressive -- for two years, in skills; keeping them in regular classes but giving them some tutoring support. The kids that stayed through that program for two years -- over 90 percent of them are on track to graduate now. And these are all kids that failed the GEPA. We had to cut that program because of this, because our money has been taken away.

Is it being spent on CAPA teams that cost \$23,000 a piece? Is it being spent on the Department's accountability? And you could see-- The gentleman from the Council of the States showed that states have been burdened with this accountability process. They have had to create armies of bureaucrats to manage the program. And in doing so, where does that money come from? Here it is. So money intended for kids is being used to feed a system that's, in my view, fatally flawed.

Zende, do you want to add anything to that?

Z E N D E L. C L A R K: No, I think you've summed it up very well.
(laughter)

Thank you very much.

ASSEMBLYMAN STANLEY: Well, thank you very much.

Any questions?

ASSEMBLYWOMAN VOSS: No, you've said it all. And I agree 100 percent with you.

DR. BANDLOW: Thanks so much.

MS. CLARK: Thank you.

ASSEMBLYMAN STANLEY: Thank you so much. I always appreciate your support, Dr. Bandlow. I appreciate you coming out; and certainly appreciate your testimony, as well.

Thank you.

Next, I'd like to have Frank -- I can never pronounce his name--

F R A N K D I G E S E R E: Digesere. (indicating pronunciation)

ASSEMBLYMAN STANLEY: --Digesere, from Bloomfield Public Schools -- Superintendent from Bloomfield Public Schools, which is also part of my Legislative District.

Thanks for coming.

MR. DIGESERE: Thank you.

I'd like to, first of all, thank the Assemblyman and the Committee here for having me.

A lot has been said. And most of what was-- I was wondering what I was going to say when I got here today. And I kind of heard a lot of what I was going to say. And I guess I'm going to center in on a couple of areas that I think just need to be said and maybe you haven't heard.

I will start by saying this: Arriving here, in my first year as a Superintendent-- And I'm wondering about NCLB. And after this

meeting-- I don't know if I was supposed to come here to add something. But I'm walking out of here a little confused, and I'm walking out of here disheartened in many ways, because I see -- especially after the Task Force's report -- I see a very unfair system. I see a system that is just -- reeks with politics, and reeks with everything that's really bad for education and bad for kids. And if it's bad for education and it's bad for kids, then why are we having it?

And that's just basically the way I feel. I mean, I didn't know how I was going to feel coming here today. And I didn't know -- and this is not prepared -- I can only tell you my reaction from sitting here for a couple of hours and listening. I'm just saying, what I've seen here is bad for kids.

I have no problem with accountability. I have no problem with being held accountable. I have no problem with my school district being held accountable. But I do have a problem when you're holding me accountable, and you're holding all my kids, and my staff, and everybody accountable if you're setting me up for failure. Then I have a problem with that, and I have a right to have a problem with that.

Everybody knows that NCLB funding is tied directly into free and reduced lunch. I'll take a place like Bloomfield. We've had a 46 percent increase in free and reduced lunch, with no substantial increase at all in funding. Now, economically disadvantaged students are moving into the school district every day, and we're not receiving any help in meeting the terms, and conditions, and benchmarks of No Child Left Behind. But yet we're being held accountable to a system that contradicts itself-- by the State, to a system that contradicts itself every which way it seems to appear.

I'll give you an example of something. If you were to go into a ball game, go into the stands at a Little League game, and you just start talking to everyone, and you were to say to them, "Yes, it's a good idea that high school kids have three years of science instead of two years of science," I think almost to the person everybody would say, "Yes, it's a great idea." Except for one thing. When that changed, and that law changed, no one understood that in many schools only 60 percent of the kids that were there were taking three years of a science. Forty percent weren't. All of a sudden, we were faced with hiring science teachers for another 40 percent of our kids for another year. We were faced with building labs at a price of \$80,000, to \$100,000, to \$150,000 per lab. And all of these expenditures just keep coming, and all these standards just keep coming, and all these things just keep coming. And what are we faced with? The support and the money that is supposed to come with it--

Now, NCLB is dealing with science here. They're ready to put science in as a tested area, where we're going to be held accountable for science. So what happened once is going to happen again. And many districts aren't going to be prepared for this. And the only way they're going to be able to be prepared for this -- because science is something where it's a hands-on activity, labs are needed, various kinds of special circumstances are needed to educate kids -- especially students with disabilities and ESL students. And, again, the funding isn't there, the support isn't there. I do believe if they expand the role of NCLB, we'll be testing science -- or counting science, as far as our -- what we're held accountable for.

I just think it's a vicious circle that I'm very -- not happy-- I can go on for a long time. We've been here for a while. And I don't think anyone wants to hear me anymore. But it's just a very frustrating thing. It really is.

ASSEMBLYMAN STANLEY: Well, I hope that given the testimony that we've heard today -- also with your input and the input of others -- that we can certainly transmit to Congressman Payne and our congressional delegation -- the entire delegation -- the need for changes in NCLB; and the impact that it's having on the ground, where you and your employees are actually having to deal with this and implement this.

But I appreciate you coming out and speaking up.

MR. DIGESERE: Thank you.

ASSEMBLYMAN STANLEY: I certainly do.

Is Dr. Balbow, from Bellville, here?

No?

UNIDENTIFIED SPEAKER FROM AUDIENCE:
(indiscernible)

ASSEMBLYMAN STANLEY: Okay. All right.

I'm going to ask Al Joy if he could come up -- the Assistant Superintendent, I believe, in Irvington.

We appreciate Al Joy coming today. The Superintendent couldn't be here, but Al is -- was a long-time principal at the high school; and is now in the administration. And we certainly have enjoyed a great relationship with him, working with the high school students; and now, on behalf of Irvington Public Schools.

Welcome, Mr. Joy.

A L B E R T J. J O Y: Good afternoon, and thank you for the opportunity to testify. Unfortunately, Ms. Davion is unable to come today. We had a death of one of our teachers in the high school, and she's with the students there at the high school today, trying to help with the counseling. She asked me to stop by and make a few comments.

My comments will be very brief, because so many of the speakers before me so eloquently said the very same things that I would be saying. So I will couch my remarks to just five small statements.

Number one: The schools are a microcosm of society. Let's take an average American. Say they make \$50,000 a year. And that would include everyone in this room. Hopefully, we're making more than that. But when you went this morning to gas your car up, you noticed the prices have gone up. When you get your bill tonight for the car insurance, or you get it next week, the rates have gone up. Your rent or mortgage has gone up. And the cost of food is going up.

So what happens to the average American when these things happen? Well, when the wife -- the lady of the house -- says, "Aren't we going to Aruba this year?" "No, honey, we're going to Seaside Heights." "What happened to the money?" "Well, I had to pay more gas, more food, and things like that." Or maybe there will be meatless Wednesdays in addition to meatless Mondays.

Well, the schools are the same. The heat goes up, the textbooks go up, the salaries go up, the contractual agreements, ad infinitum. So what do we have to do? We have to cut, as well.

When I was the principal of the high school in Irvington, I watched the State rape the curriculum by taking away all of our vocational

ed classes: the drafting, the food service, the child care, the metal shop, the wood shop. And if you have multiple intelligences, this is not good for kids.

Right now, under NCLB law -- I currently serve as the Title I Director -- we have to mandate 1 percent for parental involvement. Irvington, this year alone, has spent over \$100,000 on parents. Is that what I cut next year when we don't have the moneys? Right now I see music programs go the way of the vocational ed classes. We have a program in Irvington called Children United Stand Higher, a partnership with Montclair State University, where we're taking 50 young people in Grade 6 on a six-year journey -- they're now in seventh grade -- toward collegiate studies. That costs us \$118,000 a year in Title money. Many of the students are from Ms. Truitt's school, University Middle School. Do I take that away when I have less money? In fact, the Title I allotment for this year is less than last year. And just a month ago, I was informed by the Title III office that I had to take my budget this year and reduce it by \$27,000. I only receive \$52,000. Now, they're telling me, in March, to give back \$27,000. The money has already been spent. Then I get a notice from the Title III Immigrant Office. They want \$10,067 back. They only gave us \$17,000, and the money has been spent already. I don't know where we're going to find this money to give back.

We just received our Title I SIA allotment, \$132,000. That's down from \$267,000 last year. That's the money that pays for our Summer School enrichment program. That's the money that takes our teachers, in the Summer, to the NJDOE workshops on things like SREB, Southern Regional Educational Board; standards of rigor. Those things are now gone, because the money is not there.

I mean, we could go on and on, and talk about all the things we can't do. This year, because we received less money in Title I money, we can only accommodate 430 students for SES services. The State has raised the price of SES to \$1,522. But yet the moneys we were allotted, after the blended money came in-- We could only take 430 students. We did 616 last year. That is not helping children.

In fact, right now, despite the fact that we put in our NCLB application a month early in September, rather than the due date in October, we still have not received, from the feds, approval of our current moneys. Which means my local board has only given me 85 percent of what I'm supposed to get to run the district. And, right now, I'm sitting on bills from SES providers and others that I cannot pay until I receive percentiles 86 through 100. And, of course, they get angry. And then, next year, these quality people do not want to come back.

So I would make some recommendations for NCLB.

Number one: We have to increase the funding. See, right now, all of us are talking the talk -- No Child Left Behind. But until we change that to "No Change Left Behind" we're not walking the walk. That's pure and simple.

We also need quicker approval. If we are forced to get our applications in, in October, I'd like to have approval in November that we have the money, and get 100 percent funding, so I can sit and commit to the young people what they deserve, and not have a letter in March that, "You're still not funded, and we want to take some money back." I don't know how we do that.

Also, I went to a conference in California recently -- a Title I conference for -- a national convention. And, basically, the growth models out of North Carolina are not working. And in addition, it says it takes three to five years for short-range change, and five to seven for sustained change. And yet AYP comes up in less increments than that.

So increased funding, quicker approval, and a little more time-- And I'll just give you a little parody. If you have a child -- I'm sure many of you do -- and you say, "Johnny, clean your room by 8:00 tonight." And now it's 1:00 in the afternoon, the room is still not clean, but you're going to beat him to death now -- but he still has seven hours to go. Then you come back in at 3:00 and the room is still not cleaned, even though some of it might be, you beat him again. It just seems like we're beating up on our kids, and it's not even 2014 yet.

Thank you so much.

ASSEMBLYMAN STANLEY: Thank you very much, Mr. Joy.

We have, from Perth Amboy Schools-- We've got John Rodecker, Superintendent of Perth Amboy; and Donna Chiera, President of the Perth Amboy Federation, American Federation of Teachers.

Would you like to come up together? Is that fine?

J O H N M. R O D E C K E R: Sure.

D O N N A M. C H I E R A: Oh, yes, we get along. (laughter)

ASSEMBLYMAN STANLEY: That's refreshing.

MS. CHIERA: Someone's cell phone is here.

ASSEMBLYMAN STANLEY: No, actually, that's for the--

MS. CHIERA: Okay. Just checking.

ASSEMBLYMAN STANLEY: --computer.

Thank you so much.

I appreciate you sitting through our testimony today. I hope it hasn't-- I hope it's been productive for you.

And I also understand that Assemblyman Vas couldn't be here today, but he told me that you were coming. And I certainly appreciate you coming.

MR. RODECKER: Thank you, Assemblyman.

And thank you for the opportunity. I want to commend you and the Committee for just taking the time to listen. I know a lot of us are frustrated with what happens from time to time in education. And sometimes we are grateful for the opportunity to be heard. And I know, as far as the testimony that has taken place today, a lot of the same things--

When I prepared my testimony, I prepared it as if I was going to be the only one speaking. Unfortunately, that's not the case. And a lot of what I touched on has been touched on previously and, in some instances, to a much greater degree.

I was a little concerned at the outset of the testimony, when I thought some of the concerns that I had with NCLB were not going to be addressed. However, as later testimony has developed, it has come to light that there are flaws in this law. And things that, from time to time, do seem unfair and insurmountable-- There can be no doubt that this legislation has had a profound impact on public education in New Jersey and throughout the country. And there is nothing that is wrong with a system of accountability.

However, you do have to question from time to time as to what the actual intent of this legislation was. Someone would say that it is a

system of accountability designed to make schools better and for all youth in America to be fully educated. Others would argue that it is a system of sanctions for struggling schools and school districts, which will ultimately lead to their dismantling. There is no dispute that No Child Left Behind has resulted in school districts taking a long inward look at their existing educational structure and that aspects of this legislation have proven to be positive in their results. No Child Left Behind has resulted in more highly qualified teachers, and paraprofessionals, and safer schools.

A self-evaluation of programs that do not work has produced changes in public education which only can be viewed as constructive. Districts now not only concentrate on the general student population, but also have raised the level of expectations for English language learners, economically disadvantaged students, and students who have learning disabilities.

In Perth Amboy, for example, teachers receive the same level of staff development in special education and bilingual education as those in the general program. The curriculum has been aligned so that all students are being taught the same content, regardless of their educational status. New initiatives have been introduced aimed at educating all students to their ultimate potential. In Perth Amboy, all five elementary schools have made Adequate Yearly Progress in 2006, the first time this has been achieved.

The question, however, is: How realistic is it to expect that by the year 2014 every child will be 100 proficient in language arts, mathematics, and science? In Perth Amboy, although student achievement has risen, not all schools have met the benchmarks that this aggressive

legislation requires. It has also been suggested that NCLB is a system designed to fail. Further, this could provide a compelling argument for the institution of vouchers.

While it is noble to treat all students alike and to require every child to reach achievement benchmarks by 2014, in reality, all children do not learn at the same pace or to the same level. Once districts fail the unrealistic goals of No Child Left Behind, proponents of vouchers will seize the opportunity to allow parents to utilize taxes earmarked for public education and send their children to private academies.

We have witnessed the flaws of this thinking through the institution of charter schools in New Jersey. A child's entire State-aid entitlement follows him to a charter school, while assuming the public school district will save an equal amount by not having to educate that student. However, changing a class enrollment from 30 to 29 does not reduce the cost of the teachers' salaries, classroom supplies, or support services that are necessary to adequately operate that class.

In New Jersey, districts are already feeling the effects of sanctions imposed by the Federal government. Schools and districts have been labeled *failing* if they do not meet the required achievement levels. It is not sufficient that many schools and districts have improved student learning. If nothing else, this law has set unrealistic timelines for the achievement of lofty goals, especially in inner cities where districts face additional challenges of poverty, overcrowding, antiquated facilities, and immigration.

There has also been inconsistency in the administration of these Federal regulations by the states. New Jersey has followed a course of

rigor, which is commendable. However, is it realistic? Thus far, 151 high schools in New Jersey have yet to make AYP. Sixty districts have been cited as in need of improvement, and each year the gap widens as the benchmark is raised.

Within a district such as Perth Amboy, where over 66 percent of students reside in a home where English is not the primary language which is spoken, despite the efforts of our bilingual program, a child still returns to a home in which Spanish is predominately spoken. Is it realistic to expect the same achievement from these students or to expect a student arriving in this country, speaking no English, to pass a written test in English after one year? Also, is it realistic for learning disabled students to pass the same written test being taken by the general student population with only slight accommodations? Where is the recognition of the handicap that has required and resulted in the special education classification of these students? Currently, only 1 percent of our special education population may be exempt from taking the battery of standardized tests.

In summary, No Child Left Behind, while viewed by some to be the saving grace of public education, may, in fact, bring about its downfall. Unrealistic timelines, harsh sanctions, unfair labeling, and inconsistent administration all combined to steepen a hill which is already difficult to climb. In addition to sanctions come the required remediation, which in itself results in reams of paperwork in order to satisfy monitors and CAPA review teams, whose task in the final analysis requires additional corrective action plans and which takes away from the purpose for which they were created.

Thank you for your time.

ASSEMBLYMAN STANLEY: Thank you very much. We appreciate your testimony.

Yes, please.

MS. CHIERA: Good afternoon.

And I know I am probably the stumbling block between you and the door.

But my name is Donna Chiera. I'm President of the Perth Amboy Federation/AFT. But I'm also a teacher. And I'm going to, right now, be the voice of -- from what I saw today -- the only classroom practitioner that was speaking before you today.

I teach special ed. I have a resource room. I teach third and fourth graders. My students, over the year, have made progress. And I truly-- I was in a school who was on Level 5. And we were taking a hard look at what we were doing and how we were doing it.

The district, between Abbott funding and No Child Left Behind, gave our school the support we need. And all of the support focused in what was going on in our classrooms. When No Child Left Behind went, I wanted to wear a button that said, "I'm special ed, and now me and my students count." Because prior to that, special ed students -- put them in a classroom, teach them what you could, keep them out of trouble.

No Child Left Behind -- the intention of the law was good. There were many things. Unions, for years, have been saying, "It takes more than a warm body to educate kids." No Child Left Behind said, "highly qualified teachers; teachers stop teaching out of certifications."

Paraprofessionals, who are partners in the classroom, had to meet a standard: whether it was a portfolio assessment, whether it was college credit, whether it was parapro. And don't we want people in our classrooms, who are working with our students, to meet a standard? Those are good things.

Today you heard a lot about assessment. New Jersey did not lower its standards with No Child Left Behind. We want our students to meet a high standard. Our assessments, for the most part, are limned to the standards that we have. However, for one week in the State of New Jersey, fourth graders have to sit for 81 minutes and take an assessment. Now, somewhere in my college career I learned about developmental levels of students. Fourth graders taking assessment, from anywhere from 54 minutes to 81 minutes, five days in a row-- I don't think you can look at this and say this is a true assessment. Because I bet if you look at those assessments, the first 50 questions you probably had good results, the last 50 questions slowly went downhill. We look at adults. I, as an adult, don't know if I could sit for 81 minutes and take an assessment.

We also now rate a school based on an assessment. And now you have school districts who are now giving benchmark tests to see how the students are going to do on the assessment. Now you have zealous principals who are now giving kids assessments to see how they're going to do on the best benchmark assessment so we can see how they do on the State assessments.

You hand a child a piece of paper, and they say to you, "Is this a test?" Because we've made students aware that we're testing, testing, testing. Kids have ulcers, kids have this -- all of these are from stress. We

need to look at how we are testing. With all of the money going into think tanks, I would think that we could figure out a way to truly assess students on the standards without giving -- taking such a chunk of time in assessments.

We really need to look at that. And in New Jersey, one of the concerns-- We test mid-March on assess -- on standards. The standards read, "By the end of fourth grade, by the end of third grade, students will be able to do this." I'm in a math master's program. March is two-thirds through the school year. It's not at the end. And I realize we're doing this because if we wait until the end of April, the beginning of May, school districts aren't getting the reports back until next January. Again, we need to figure out a way where we can give true assessments on the standards, later in the year, and get the results so they count.

My one-- And I gave you, in writing, some of my concerns. One of the things that concerns me is inserting the word *effective* teachers. Now, I know there are not many people in this room, and I know the people in this room certainly wouldn't do this. We put AYP in place very quickly. And here we are, six years later, saying it's not working. We're going to, very quickly, put an effective standard in place. Just like with the students, the easiest thing to do is judge you on a test score. I have no control over my students and what-- I control what they learn. I can't control how they're going to feel the day of the assessment. My concern is--

We could get very political here. I could end up not -- Mr. Rodecker certainly wouldn't do this to me. But I could end up with a list -- a group of remedial students who will never meet AYP. They may have gained a year-and-a-half in academic strength, but they didn't meet AYP.

So I am now ineffective. I could then, in turn, start getting very legal. And I'm speaking from the Union point of view. "I was given those students so I could fail, and you now could get rid of me because I'm ineffective." Rather than rushing into an ineffective labeling, we really need to spend time looking at how we're going to measure effectiveness of a teacher. And it can't be through test scores of students.

The other thing I liked today is hearing that truly, when you look at NCLB, there really is no highly qualified administrator. I can go from a teacher to an administrator and make more -- up to \$10,000 to \$15,000 additional each year. However, in a strange way, there's really not a whole lot of accountability for me, as an administrator, as being a classroom teacher. I have to be highly qualified; and when things start to go wrong, the additional paperwork-- You need to look at the documentation. Every time the law says the CAPA report-- All of these things are being placed on the classroom teacher. "Give me more documentation. Give me more documentation." Every additional piece of paper I have to fill out for documentation is time I'm taking away from my students. I'm hired to teach students and look out for their well being.

I guess my message to you would be, today, let teachers teach. Let them work with their students in their classrooms. Let them do what's best for students.

Thank you.

ASSEMBLYMAN STANLEY: Thank you very much.

I just have a few other--

UNIDENTIFIED SPEAKER FROM AUDIENCE:
(indiscernible)

ASSEMBLYMAN STANLEY: Please. We've got a list of people here. I just want to make sure that we haven't missed anyone.

Nelson Perez. Is Nelson Perez--

UNIDENTIFIED SPEAKER FROM AUDIENCE: No, he left.

ASSEMBLYMAN STANLEY: Okay.

Had he planned on speaking?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No, sir.

ASSEMBLYMAN STANLEY: Are you speaking?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No.

ASSEMBLYMAN STANLEY: All right.

Ed Stevens. (no response)

Scott Juchnevicius. (no response)

Debbie Gabbidon. (no response)

Dorothy Rivers. (no response)

Lynn Hutchings. (no response)

Miosotis Hernandez. (no response)

Stacie Newton. (no response)

Vanessa Baez. (no response)

Lev D. Silberman. (phonetic spelling) (affirmative response)

Please state your name. And maybe you could spell your name, also, into the record. Spell your name, also, into the record when you state your name.

LEV D. SILBERMAN (phonetic spelling): Hello, everyone.

My name is Lev D. Silberman. I'm an alumni of Essex County College '93, and Rutgers-Newark 2005 -- master's degree in Political Science.

Okay. Here's the situation that I would like to address.

First of all, about the No Child Left Behind Act, I have to agree with what the previous speakers before me said, like Mr. David Shreve and the school superintendent following him.

I would like to list examples -- is that we have our own problems. I'm a district leader in the West Ward, in Newark -- District 45. And we have our problems, such as the Mount Vernon School, located on Mount Vernon Avenue, in Newark, New Jersey -- the West Ward. And to give you an example that-- How we have had problems was that, the school had, frequently, broken glass. And it took years and years to repair that stuff. We had birds' nests in there.

Now, the other thing is about -- the No Child Left Behind Act has to address is the fact that education is (indiscernible). But you also have to make sure that -- children need to be educated against gangs. Because where I live, you have the Bloods gang. And I know for a fact that gangs use little kids to run errands for them. And little kids in cities like Newark-- A lot of them come from broken families. And when they see a gang member having flashy -- what is it -- electronic toys like this, and flashy jewelry, and expensive shirts, and cars, they start looking to the wrong people for role models. And I think that needs to be addressed.

We also have had shootings in Newark recently. All right? And that needs to be addressed too. It's not just Newark, it's throughout New Jersey.

Also, I would like to mention that we need more money to colleges -- two-year and four-year schools. Because education starts at the grade level, and (indiscernible) for four-year schools.

Okay. For example, students went to Washington, D.C. to lobby Congress for money. Right? Here's an example. The President wants to cut Perkins loans. Now, my question to you is: How do you expect students to be -- to have a good education -- good experts, corporate analysts (indiscernible) a good education. It starts in grade school. Let me emphasize that. It starts in grade school and goes through college. So everything is connected. The No Child Left Behind Act, and the Perkins loan-- It's all links in a great chain. Right?

Frankly, in my opinion, No Child Left Behind is a bureaucratic maze. It may have had good intentions. But as my Political Science professor used to say, "Expectations do not match reality." How does No Child Left Behind square, if giving more money to education -- Kindergarten through college -- I again emphasize that -- when money has been taken away?

I would urge you to listen to what Mr. David Shreve has said to you, and the school superintendent following him. Because I warn you, in 10 years, if kids are not educated well, you will have a social explosion on your hands. For example, when these teenagers get out of high school, they won't be able to read, write, or be adequately prepared for college or the real world. This will affect everything else. Remember, the experts of the future begin their education in elementary school. And this is what Mr. David Shreve said before me, so I won't be repetitive.

Now, what I want to finally make a point -- is about the child with disabilities. I happen to be someone who was disabled, and I have had a hearing problem. As you can see, I'm wearing a hearing aid. So if the No Child Left Behind Act is not taken into account, students with disabilities--

That's going to have a real impact on them when they go into teenage -- and into adulthood -- especially when they get into -- become teenagers. Because teenage is a very sensitive period, going from in between childhood and adulthood. So if they get -- what's the English word? I'm from Russia -- if they get bullied, or teased a lot on account of their handicap, it might affect their psyche and them being bitter.

I don't have to give you an example. Why? Look at Virginia Tech. That guy was from China -- I'm sorry, not China -- he was from South Korea. And what happened was, he got teased, and teased, and finally -- boom, he exploded, and a bunch of people went dead. And it's all connected. You have to give funds -- I don't know from State funds or the Federal funds -- to make sure that children with disabilities get the best, adequate training and care so that they will be prepared to go into the real world, once they get out of grade school, then middle school, and then into high school; and then college. I mean, I've been there. But I was lucky enough to get through it okay.

And that's basically the situation.

That's what I have to say.

Thank you very much for listening to me.

And if you have any questions--

ASSEMBLYMAN STANLEY: Well, thank you very much Lev. I appreciate you coming up. And I saw you listening intently throughout the testimony. And you certainly made some very good points.

Thank you very much.

I believe we've heard from everyone who has expressed interest in being heard.

And I want to thank the staff, again, for your patience, and for hanging in there with us, and all of your work in terms of preparation for this hearing as well.

I want to thank my colleague, Assemblywoman Truitt, who has stayed and listened throughout. We ran over, but we thought it was important to hear everyone.

So thank you very much.

At this point, we stand adjourned.

Thank you.

(MEETING CONCLUDED)