

# EDUCATION REFORMS: PROMOTING FLEXIBILITY AND INNOVATION

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## HEARING

BEFORE THE

COMMITTEE ON EDUCATION  
AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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HEARING HELD IN WASHINGTON, DC, APRIL 7, 2011

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## **EDUCATION REFORMS: PROMOTING FLEXIBILITY AND INNOVATION**

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**Thursday, April 7, 2011**

**U.S. House of Representatives**

**Committee on Education and the Workforce**

**Washington, DC**

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The committee met, pursuant to call, at 10:02 a.m., in room 2175, Rayburn House Office Building, Hon. John Kline [chairman of the committee] presiding.

Present: Representatives Kline, Petri, McKeon, Biggert, Platts, Hunter, Roe, Walberg, DesJarlais, Hanna, Rokita, Bucshon, Gowdy, Barletta, Noem, Roby, Kelly, Miller, Kildee, Scott, Woolsey, Hinojosa, McCarthy, Tierney, Kucinich, Wu, Davis, and Hirono.

Also present: Representative Polis.

Staff present: Katherine Bathgate, Press Assistant; James Bergeron, Director of Education and Human Services Policy; Colette Beyer, Press Secretary-Education; Kirk Boyle, General Counsel; Casey Buboltz, Coalitions and Member Services Coordinator; Daniela Garcia, Professional Staff Member; Jimmy Hopper, Legislative Assistant; Barrett Karr, Staff Director; Brian Melnyk, Legislative Assistant; Brian Newell, Press Secretary; Alex Sollberger, Communications Director; Linda Stevens, Chief Clerk/Assistant to the General Counsel; Alissa Strawcutter, Deputy Clerk; Brad Thomas, Senior Education Policy Advisor; Tylease Alli, Minority Hearing Clerk; Jody Calemine, Minority Staff Director; Jamie Fasteau, Minority Deputy Director of Education Policy; Sophia Kim, Minority Legislative Fellow, Education; Brian Levin, Minority New Media Press Assistant; Kara Marchione, Minority Senior Education Policy Advisor; Megan O'Reilly, Minority General Counsel; Helen Pajcic, Minority Education Policy Advisor; Julie Peller, Minority Deputy Staff Director; Alexandria Ruiz, Minority Administrative Assistant to Director of Education Policy; Melissa Salmanowitz, Minority Communications Director for Education; and Laura Schifter, Minority Senior Education and Disability Policy Advisor.

Chairman KLINE [presiding]. A quorum being present, the committee will come to order. Good morning, and welcome. I would like to thank our witnesses for being with us today. I make an administrative note the ranking member, Mr. Miller, is in route. And by agreement, we are going to start. I am going to drag out my opening statements and let him catch up as soon as he can get here.

I think he is on the floor. And that sometimes takes some time to travel.

Well, over the last several months, our committee has been actively examining the current state of education in the nation. We have listened to state and local leaders who are working to improve the quality of education our children receive.

Through a series of hearings, we have heard stories of both challenges and opportunities facing schools. The opportunities are found in the determination of countless individuals who realize our current system is failing our children and are fighting to do something about it. As a result, parents, grandparents, teachers, reformers and community leaders are shining a bright light on a broken system and pursuing real change that puts children first.

The challenges, unfortunately, are in many ways found in an education bureaucracy resistant to the very kind of meaningful reforms people are trying to achieve. Policymakers have over the years added layers of mandates and regulations that weigh down our nation's schools. Every federal tax dollar spent should provide results, but we must ensure that the regulatory burdens don't outweigh the benefits of federal assistance.

Today, the Department of Education administers 90, 90 programs tied to the Elementary and Secondary Education Act and other federal laws. Virtually every program has its own application process, separate or duplicative reporting requirements and different eligibility criteria. It is a complicated system levied on our schools, and dedicating the time and resources necessary to navigate this bureaucratic maze inevitably means time and resources spent outside the classroom.

To give you an idea of the magnitude of the red tape confronting schools, we have even created federal programs designed to help alleviate the myriad requirements of other federal programs. Only here. Initiatives like the state flex program and the local flex program promise relief, yet few states or school districts have signed up because of the additional paperwork these programs require or simply because these programs fail to offer the flexibility schools desperately need.

Clearly, a one-size-fits-all approach doesn't work, resulting in frustration among parents and educators and missed opportunities for students. If we are going to move forward in education, Washington has to move in a new direction. States and schools should be able to set their own innovative priorities and receive maximum flexibility to advance those priorities.

If a school determines greater resources are better spent on reading or new technologies, then it should be free to adjust its budget to reflect the reality of its classrooms. This doesn't mean schools and states are left unaccountable for how federal dollars are spent. Indeed, taxpayers should know where their hard-earned dollars are going and whether those dollars are achieving results.

However, we must not allow the need for transparency and accountability to become a roadblock to local innovation. I am confident we can provide taxpayers the accountability they deserve while also offering schools the flexibility they need to help students succeed.

That is why your testimony today is so important. This is our first of many opportunities to consider specific reforms to help fix what is broken in current law. Your personal experiences in your local communities will help us to strike the proper balance between serving the interests of students and the concerns of the taxpayers.

As we have learned, education is critical to the strength of our workforce and the future success of our children. I look forward to working with you to help ensure every child has within their reach a quality education.

And let me say at this point, I would yield to Mr. Miller. As I pointed out earlier, he is en-route. So let me just continue here with some formalities and say pursuant to committee Rule 7-C, all committee members will be permitted to submit written statements to be included in the permanent hearing record. And without objection, the hearing record will remain open for 14 days to allow statements, questions for the record and other extraneous material referenced during the hearing to be submitted in the official hearing record.

I will take this opportunity now to introduce our distinguished panel of witnesses. Dr. Janet Barresi was sworn in as Oklahoma's state superintendent of public instruction on January 10, 2011. After working in the Harrah and Norman public school systems as a speech pathologist, Dr. Barresi served as a dentist for 24 years, earning the Thomas Jefferson Citizenship Award for active community service.

In 1996, she returned to the field of education as a superintendent of Independence Charter Middle School, Oklahoma's first charter school. She was also asked to start Harding Charter Preparatory High School, where she served as board president.

Dr. Gary Amoroso was named superintendent of the Lakeville Area Public Schools in the fall of 2001. Dr. Amoroso began his career in 1977 as a social studies teacher in Waukesha, Wisconsin School District.

Gary, I didn't know you came from Wisconsin.

I have got two confessions here. Gary is my superintendent in Lakeville, Minnesota. He served as assistant principal, principal, director of educational services and superintendent in various Wisconsin school districts before relocating, wisely, to Lakeville, Minnesota. Dr. Amoroso will become the new executive director of the Minnesota Association of School Administrators in July.

And we wish you great success in that change.

Mr. Yohance Maqubela serves as the chief operating officer of the Howard University Middle School of Mathematics and Science. Prior to joining the school, Mr. Maqubela was managing director of the Courtland Business Development Group, a boutique economic development firm based in New York City. He also served as the youngest executive director in the history of the Interracial Council for Business Opportunity, New York City's oldest non-profit economic development firm.

And Dr. Terry Grier became the Houston Independent School District superintendent of schools in 2009. Before coming to Houston, Dr. Grier served as a superintendent of the San Diego Unified School District for 18 months and superintendent of the Guilford County Schools in Greensboro, North Carolina for almost 8 years.

Dr. Grier is especially well-regarded for his work in reducing high school dropout rates with innovative programs for at-risk students.

Welcome to you all. And it is indeed a distinguished panel of experts. We are looking forward to your testimony. I will remind you that you have a little black box there in front of you. It is a light system. When you start your testimony, a green light will come on, indicating that you have 5 minutes for your testimony. After 4 minutes, the yellow light will come on. And after 5 minutes, a red light. And I would ask you to start to wrap up your testimony if you have not already gotten to that point by the time the red light—red light comes on.

And again—pardon me? Okay. And we are having continuing discussions here. In keeping with the aforementioned plan, Mr. Miller will make his opening remarks following the testimony of the witnesses.

So, Dr. Barresi, you are recognized.  
[The statement of Mr. Kline follows:]

**Prepared Statement of Hon. John Kline, Chairman,  
Committee on Education and the Workforce**

Good morning and welcome. I'd like to thank our witnesses for being with us today.

Over the last several months, our committee has been actively examining the current state of education in the nation. We have listened to state and local leaders who are working to improve the quality of education our children receive. Through a series of hearings, we have heard stories of both challenges and opportunities facing schools.

The opportunities are found in the determination of countless individuals who realize our current system is failing our children and are fighting to do something about it. As a result, parents, grandparents, teachers, reformers, and community leaders are shining a bright light on a broken system and pursuing real change that puts children first.

The challenges, unfortunately, are in many ways found in an education bureaucracy resistant to the very kind of meaningful reforms people are trying to achieve. While well-intended, policymakers have over the years added layers of mandates and regulations that weigh down our nation's schools. Every federal tax dollar spent should provide results, but we must ensure that the regulatory burdens don't outweigh the benefits of federal assistance.

Today, the Department of Education administers 90 programs tied to the Elementary and Secondary Education Act and other federal laws. Virtually every program has its own application process, separate or duplicative reporting requirements, and different eligibility criteria.

It's a complicated system levied on our schools, and dedicating the time and resources necessary to navigate this bureaucratic maze inevitably means time and resources spent outside the classroom.

To give you an idea of the magnitude of the red tape confronting schools, we have even created federal programs designed to help alleviate the myriad requirements of other federal programs. Initiatives like the State Flex Program and the Local-Flex Program promise relief, yet few states or school districts have signed up because of the additional paperwork these programs require, or simply because these programs fail to offer the flexibility schools desperately need.

Clearly a one-size-fits-all approach doesn't work, resulting in frustration among parents and educators and missed opportunities for students. If we are going to move forward in education Washington has to move in a new direction.

States and schools should be able to set their own innovative priorities and receive maximum flexibility to advance those priorities.

If a school determines greater resources are better spent on reading or new technologies, then it should be free to adjust its budget to reflect the reality of its classrooms.

This doesn't mean schools and states are left unaccountable for how federal dollars are spent. Indeed, taxpayers should know where their hard-earned dollars are going and whether those dollars are achieving results. However, we must not allow the need for transparency and accountability to become a roadblock to local innova-



tion. I am confident we can provide taxpayers the accountability they deserve while also offering schools the flexibility they need to help students succeed.

That is why your testimony is so important. This is our first of many opportunities to consider specific reforms to help fix what is broken in current law. Your personal experiences in your local communities will help us strike the proper balance between serving the interests of students and the concerns of the taxpayers.

As we've learned, education is critical to the strength of our workforce and the future success of our children. I look forward to working with you to help ensure every child has within their reach a quality education.

I will now recognize my colleague George Miller, the senior Democratic member of the committee, for his opening remarks.

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**STATEMENT OF DR. JANET BARRESI, SUPERINTENDENT OF  
PUBLIC INSTRUCTION, OKLAHOMA STATE DEPARTMENT OF  
EDUCATION**

Ms. BARRESI. Chairman Kline and honorable members of the committee, I am pleased to offer testimony today on education reform and to address how I believe we can better promote flexibility and innovation. I took office in January, amid a bipartisan groundswell of support in Oklahoma for education reform. Most Oklahomans recognize we are in a crisis in education in our state.

In March, we learned that nearly 43 percent of first-time freshmen who entered Oklahoma's public colleges in the fall of 2009 were not prepared for college. In January, results from the 2009 national assessment of educational progress showed that 72 percent of Oklahoma fourth graders taking the test and 75 percent of eighth graders taking the test failed below proficient in science. And research by Stanford economist, Eric Hanushek, that compared top-performing math students all over the world showed that Oklahoma ranked far down on the list near developing or struggling nations like Bulgaria, Chile and Thailand.

These results are like a dash of cold water. We understand mediocre doesn't cut it anymore. And we are taking action.

Just 3 weeks ago, I launched the three R agenda, a commitment to new fundamentals for the 21st century. The new three R for our state's future are rethink, restructure and reform. Rethink is a complete reassessment of how we are delivering education to empower parents, children and teachers and to embrace new tools like digital learning.

Restructure involves a transformation of Oklahoma State Department of Education. I will focus more on the third R, reform, because it is the primary reason I am here today.

We are now at the half-way point in our state's annual legislative session, and significant progress has been made on a number of reform bills. It appears we will implement a grading system for schools and school districts and annual A through F report cards, just like students receive, so that parents can determine how a school is performing without having to interpret obscure or confusing metrics.

We will also likely end social promotion after the third grade so students aren't entering their most critical learning years unprepared. And I am urging passage of legislation enacting tuition tax credits in Oklahoma to offer parents more and better choices. Under the legislation, business and individuals could qualify for tax credits for contributions to eligible scholarship-granting organi-

zations. And those organizations in turn would offer scholarships to qualifying families in need.

But just as we embark on legislative implementation of the three R agenda, we are mindful of potential obstacles if the Federal Government is not—is too inflexible. A few examples: Under the current implementation of No Child Left Behind, the adequate yearly progress yardstick evaluation is rudimentary and does not provide meaningful information to parents. But most importantly, it does not recognize the ultimate goal of college and career-ready status for all students facing the 21st century workplace.

By contrast, Oklahoma's new A through F school report card system will offer easy-to-understand results for parents. And it is based on a number of different measurements that incorporate gains and improvements.

Another example: As Oklahoma seeks to end social promotion after the third grade, many districts would like to fund portions of this effort with federal funds. But it appears that this would not be possible currently because of federal restrictions on supplementing versus supplanting.

This demonstrates the ways in which entrenched federal guidelines present some barriers to innovative state policies. On the one hand, the U.S. Department of Education has guidelines that on the surface seem to offer states more flexibility to meet local needs. But there seems to be a disconnect between good intentions at the top level and what actually occurs in practice, such as during program audits.

And let us consider the simple reform of tuition tax credits. Federal law offers parents in low-performing schools the opportunity to transfer to another public school. This isn't true choice. Oklahoma's reforms will offer parents an array of more choices rather than only the option of transferring from one public school to another. I urge reforms that follow this same pathway by incentivizing states to provide an array of options for students.

As all participating states prepare to transition to common core standards, more flexibility is also needed in the use of federal funds for professional development that would support effective instructional practices. Additionally, broadening the scope of the designation of title programs to include a wider array of subject matter such as stem initiatives would help enable states to offer a more challenging curriculum.

Mr. Chairman and honorable members of the committee, the bottom line is this: We can turn our crisis in Oklahoma into an opportunity, but only if we are prepared to embrace the kind of bold reforms that fundamentally transform our education system for the better and only if the Federal Government is prepared to work with states like ours to allow flexibility we need in order to innovate. Thank you.

[The statement of Ms. Barresi follows:]

**Prepared Statement of Janet Barresi, Oklahoma State  
Superintendent of Public Instruction**

Chairman Kline and Honorable Members of the Committee on Education and the Workforce, I am pleased to offer testimony today on education reforms and to address how I believe we can better promote flexibility and innovation.

I took office in January amid a bipartisan groundswell of support in Oklahoma for education reform. Most Oklahomans recognize we're in crisis in education in our state.

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In January, results from the 2009 National Assessment of Educational Progress showed that 72 percent of Oklahoma fourth-graders taking the test and 75 percent of eighth-graders taking the test fell below "proficient" in science.

And research by Stanford economist Eric Hanushek that compared top-performing math students all over the world showed that Oklahoma ranked far down on the list near developing or struggling nations like Bulgaria, Chile and Thailand.

These results are like a dash of cold water. We understand mediocre doesn't cut it anymore, and we're taking action.

Just three weeks ago, I launched the 3R Agenda—a commitment to new fundamentals for the 21st century. The new 3Rs for our state's future are: Rethink, Restructure and Reform.

RETHINK is a complete reassessment of how we're delivering education to empower parents, children and teachers, and to embrace new tools like digital learning. RESTRUCTURE involves a transformation of Oklahoma's State Department of Education.

I'll focus more on the third 'R'—REFORM—because it is the primary reason I am here today.

We're now at the halfway point in our State Legislature's annual legislative session, and significant progress has been made on a number of reform bills.

It appears we will implement a grading system for schools and school districts—an annual A through F report card just like students receive, so that parents can determine how a school is performing without having to interpret obscure or confusing metrics.

We will also likely end social promotion after the third grade—so students aren't entering their most critical learning years unprepared.

And I am urging passage of legislation enacting tuition tax credits in Oklahoma to offer parents more and better choices. Under the legislation, business and individuals could qualify for tax credits for contributions to eligible scholarship-granting organizations, and those organizations, in turn, would offer scholarships to qualifying families in need.

But just as we embark on legislative implementation of the 3R Agenda, we are mindful of potential obstacles if the federal government is too inflexible. I am also hopeful that, while policymakers debate the reauthorization of No Child Left Behind, reformers will follow the lead of states like Oklahoma.

A few examples.

Under the current implementation of No Child Left Behind, the Adequate Yearly Progress yardstick evaluation is rudimentary and does not provide meaningful information to parents. But most importantly, it does not recognize the ultimate goal of college and career ready status for all students facing the 21st century workplace. By contrast, Oklahoma's new A through F school report card system will offer easy-to-understand results for parents, and it is based on a number of different measurements that incorporate gains and improvement.

Another example: As Oklahoma seeks to end social promotion after the 3rd grade, many districts would like to fund portions of this effort with federal funds. But it appears this would not be possible currently because of federal restrictions on supplementing versus supplanting. This demonstrates the ways in which entrenched federal guidelines present some barriers to innovative state policies.

On the one hand, the U.S. Department of Education has issued guidelines that on the surface seem to offer states more flexibility to meet local needs. But there seems to be a disconnect between good intentions at the top level and what actually occurs in practice.

And let's consider the simple reform of tuition tax credits. Federal law offers parents in low-performing schools the opportunity to transfer to another public school. This isn't true choice. Oklahoma's reforms will offer parents an array of more choices—rather than only the option of transferring from one public school to another. I urge reforms that follow this same pathway by incentivizing states to provide an array of options for students.

As all participating states prepare to transition to Common Core curriculum standards, more flexibility is also needed in the use of federal funds for professional development that would support effective instructional practices. Additionally, broadening the scope of the designation of Title programs to include a wider array of subject matter, such as STEM initiatives, would help enable states to offer a more challenging curriculum.

Mr. Chairman and honorable members of the committee, the bottom line is this: we can turn our crisis in Oklahoma into an opportunity, but only if we are prepared to embrace the kinds of bold reforms that fundamentally transform our education system for the better—and only if the federal government is prepared to work with states like ours to allow the flexibility we need in order to innovate.  
Thank you.

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Chairman KLINE. Thank you.  
Dr. AMOROSO, you are recognized.

**STATEMENT OF DR. GARY AMOROSO, SUPERINTENDENT,  
LAKEVILLE AREA PUBLIC SCHOOLS**

Mr. AMOROSO. Chairman Kline, Ranking Member Miller and members of the committee, it is my honor to testify today. And I am reporting from a public school administrator's perspective. My name is Gary Amoroso, and I currently serve as the superintendent of the tenth largest school district in Minnesota, the Lakeville Area Public Schools, home of Chairman Kline.

We are a district of 11,048 students located about 25 miles south of the twin cities of Minneapolis and St. Paul. I speak to you from my 34 years as an educator, which include 27 years as a school administrator. I am here to testify about the reauthorization of the No Child Left Behind legislation and present personal insights and local impact. Before I begin, however, I would like to make my beliefs about education perfectly clear.

I believe in accountability. And I believe in opportunities for all students to achieve academic success. I have dedicated my career to this mission. And the testimony I bring to you today comes directly from my life's passion.

From an assessment standpoint, the most troubling aspect of the current system is its dependence on a single standardized assessment to determine a school's adequate yearly progress. The goal of increasing the overall number of students proficient in reading and mathematics is certainly admirable. Further, the subsequent culture of accountability has resulted in greater attention to individual student needs.

However, the use of a single summative test as an indicator of a school's progress misses the underlying intent of the law. By focusing on proficiency, schools that implement innovative changes in delivery models or research-based strategies to meet individual needs often go unrewarded.

In one of our Lakeville schools, for example, math instruction was restructured through additional staff time and professional development to meet the needs of struggling ELL students and resulted in significant achievement gains. Under the current accountability model, the school retains the label of a failing school and was unable to continue this program due to funding restrictions. Reauthorization to recognize the fact that education is not simply about getting 100 percent of our students over an artificial bar.

The latest research in assessment suggests its purpose is to not simply offer a summative indication of what has been learned. It is to provide an understanding of what is yet to be learned and how to best go about learning it. This is an important distinction.

The accountability model should reflect that purpose, shifting from summative measures to growth-based assessments that iden-

tify student needs, set individual growth goals and track progress towards those goals. We have implemented these measures locally, and our students have made remarkable progress. Again, let me stress the importance of success in learning for all students.

From a funding standpoint, the current system of sanctions for Title I schools has been especially frustrating. It has resulted in a diversion of dollars from individual student assistance programming to mandatory set-asides that are often unused. This eliminates any flexibility that districts may have to use the funds.

For example, over the past 2 years, three of our elementary schools have been placed on the in need of improvement list, resulting in mandatory set-asides. Over those 2 years, 1,722 students have had the option to transfer to another school. Only one student opted to do so and declined the right to receive funded transportation.

As a result, a substantial portion of the funding was unused for its original intent of providing additional academic support. I do not believe this is in the best interest of our students.

In the absence of set-asides, school districts could better meet the individual needs of students through innovative programming such as a responded innovation program, curriculum-based formative assessments and professional learning communities. These programs provide a means to identify student needs and most advantageous approach to meeting these needs, but come at an expense.

In Lakeville, these programs have been implemented at three schools only through grant funding. I say with all certainty that students in Lakeville would benefit if we had the flexibility to fund these programs.

Reauthorization to revisit the system of sanctions based on proficiency to allow districts to focus on student-centered needs and to make allocation decisions free of mandatory set-asides. This, in effect, offers local control to educators to make decisions, which truly allows all students to succeed.

I do understand and appreciate the time constraints of the committee in making modifications to the law. I respectfully request you to seriously consider that schools need a reauthorization relief now. I am very appreciative of this opportunity to provide testimony to the committee and for its willingness to reconsider improvements in the No Child Left Behind legislation.

I will consider it a privilege to respond to any question that you may have. Thank you.

[The statement of Mr. Amoroso follows:]

**Prepared Statement of Dr. Gary M. Amoroso, Superintendent,  
Lakeville Area Public Schools**

Chairman Kline, Ranking Member Miller and Members of the Committee: It is my honor to testify today and I am reporting from a public school administrator's perspective.

My name is Gary Amoroso and I currently serve as the superintendent of the tenth largest school district in Minnesota, the Lakeville Area Public Schools, home of Chairman Kline. We are a district of 11,048 students located about 25 miles south of the Twin Cities of Minneapolis and St Paul. I speak to you from my 34 years as an educator, which include 27 years as a school administrator.

I am here to provide testimony about the reauthorization of the No Child Left Behind Legislation and present personal insights about local impact. Before I begin, however, I would like to make my beliefs about education perfectly clear—I believe in accountability and I believe in opportunities for all students to achieve academic

success. I have dedicated my career to this mission and the testimony I bring to you today comes directly from my life's passion.

From an assessment standpoint, the most troubling aspect of the current system is its dependence on a single standardized assessment to determine a school's adequate yearly progress. The goal of increasing the overall number of students proficient in Reading and Mathematics is certainly admirable. Further, the subsequent culture of accountability has resulted in greater attention to individual student needs. However, the use of a single summative test as an indication of a school's "progress" misses the underlying intent of the law.

So by focusing solely on proficiency, schools that implement innovative changes in delivery models or researched based strategies to meet individual needs often go unrewarded. In one Lakeville school, for example, math instruction was restructured through additional staff time and professional development to meet the needs of struggling ELL students and resulted in significant gains in achievement. Under the current accountability model, the school retained the label of a failing school and was unable to continue this program due to funding restrictions.

Reauthorization should recognize the fact that education is not simply about getting 100% of students over an artificial bar. The latest research in assessment suggests its purpose is not to simply offer a summative indication of what was learned but to provide an understanding of what is yet to be learned and how to best go about learning it. This is an important distinction. The accountability model should reflect that purpose, shifting from summative measures to growth-based assessments that identify student needs, set individual growth goals, and track progress towards those goals. We have implemented these measures locally and our students have made remarkable progress. Again, let me stress the importance of success in learning for ALL students.

From a funding standpoint, the current system of sanctions for Title-I schools has been especially frustrating. It has resulted in a diversion of dollars from individual student-assistance programming to mandatory set-asides that are often unused. This eliminates any flexibility that districts may have to use the funds.

For example, over the past two years, 3 elementary schools have been placed on the "In Need of Improvement" list resulting in a mandatory set-aside. Over these two years, 1722 students have had the option to transfer to another school. Only one student opted to do so and declined the right to receive funded transportation. As a result, a substantial portion of the funding was unused for its original intent of providing additional academic support. I do not believe this is serving the best interest of our students.

In the absence of set-asides, school districts could better meet the individual needs of students through innovative programming such as the Response to Intervention approach, curriculum-based formative assessments, and professional learning communities. These programs provide a means to identify student needs and the most advantageous approach to meet these needs, but come at significant expense. In Lakeville, these programs have been implemented at three schools only through grant funding. I say with certainty that ALL students in Lakeville would benefit if we had the flexibility in funding to provide these programs.

Reauthorization should revisit the system of sanctions based on proficiency to allow districts to focus on student-centered needs and to make allocation decisions free of mandatory set-asides. This, in effect, offers local control to educators to make decisions, which truly allow all students to succeed. I do understand and appreciate the time constraints of the Committee in making modifications to the law. I respectfully request you to seriously consider that schools need reauthorization relief now.

I am very appreciative of this opportunity to provide testimony to the Committee and for its willingness to consider improvements in the No Child Left Behind Legislation. I will consider it a privilege to respond to any questions you may have.

Chairman KLINE. Thank you.

Mr. MAQUBELA, you are recognized.

**STATEMENT OF YOHANCE MAQUBELA, CHIEF OPERATING OFFICER, HOWARD UNIVERSITY MIDDLE SCHOOL OF MATHEMATICS AND SCIENCE**

Mr. MAQUBELA. Good morning, Chairman Kline, Ranking Member Miller, members of the committee and invited guests. My name is Yohance Maqubela, and I am the chief operating officer of the Howard University Middle School of Mathematics and Science, af-

fectionately known as MS-2, a fully authorized District of Columbia public charter school serving grade sixth through eighth.

As many of us are aware or who have seen the documentary, "Waiting for Superman," when compared against the other 50 states, students in the District of Columbia face enormous challenges. I am here today to speak a little bit about the possibilities that exist when we give schools and school systems greater flexibility and what more could be done if we were to go even further.

The primary principle underpinning MS-2s foundation is the belief that all students should have a truly equal opportunity, not just to any education, but to a top-flight, phenomenal education, regardless of their individual life circumstances. Through the flexibility provided to us through our charter legislation, we have been able to create a truly unique educational model for our student population that takes into account and addresses these specific circumstances without compromising our commitment to the highest levels of academic excellence.

So what is this program, and how do we use our flexibility to make it truly innovative? First and foremost is our partnership with a major research university. In creating our school, its founder, Dr. Hassan Minor, drew on all of the collective intellectual capital of the Howard University community to ensure that no design element was overlooked. In practice, this forward-thinking model translates into a synergistic relationship where over 50 university graduate and undergraduate students work in our classrooms as student interns.

Despite the fact that our academic program is extremely rigorous, nearly two-thirds of our students come to us in the sixth grade performing, not just slightly below grade level, but woefully below grade level with many of them literally coming to us as beginning readers. To correct this, the traditional 6-hour day, 5 days a week, 180 days of the year is terribly insufficient. Since we are own our local education agency, we have the power to create a truly dynamic program that includes a longer school day, Saturday academy as well as summer academy.

Our longer school day includes a mandatory extended day component where we operate our stem connections program. This engages our students in practical applications of the various scholarly disciplines they study through the course of the regular day. University graduate and undergraduate students and professors, along with professionals from the community at large, come in and teach courses such as engineering design and technology, architecture, robotics, nanotechnology, digital media, aerospace engineering and computer science, just to name a few.

Our stem connection program was so impressive that recently our school received major funding from Google to build a state-of-the-art computer automated design and manufacture laboratory patterned after the renowned MIT fab lab. Trust me when I tell you that the details of our success are far too many to list in the time allotted to me here. However, as a brief example, I submit the following.

For the past 3 years, MS-2 has received the most awards and honors in the D.C. city-wide science fair, including this past Saturday where five of our six participants placed. For the past 2 years,

MS-2 students have won the D.C. city-wide spelling bee and have gone on to represent the District of Columbia in the Scripps National Spelling Bee. For the past 3 years, MS-2 students have won the regional Sprint solar car competition and have placed in the national finals for this competition. And for the past 2 years, MS-2 has been the only D.C. public or public charter school team to make it to the state finals for the middle school math counts competition.

In fact, in 2006, when visited by the then director of the National Science Foundation, Dr. Arden Bennett, he was so impressed with our model that he tasked his media department to create a documentary film featuring the school's program. Clearly, no singular model is the answer to fixing our nation's entire educational crisis. However, I hesitate to think where our program would be if we did not have the flexibility permitted.

Most likely, it would mean that we would not have Ms. Kimberly Worthy, an uncertified, yet highly qualified teacher, who was D.C.'s first state teacher of the year from a charter school. Nor would we be able to have Mr. Wesley Ellis as chair of our social studies department. While only in his third year of the profession, Mr. Ellis is such a phenomenal teacher, that when three members of the executive council of the Boeing Company visited his classroom last year, he was invited to attend space camp, even though such invitations were previously restricted to math and science teachers exclusively.

While we have clearly been able to demonstrate our success, even in the current environment, we feel that with changes, we could go even further, as we are still hampered by the deficiencies inherent in the No Child Left Behind legislation as it currently exists.

In its current form, the use of the—as a sole measure of advancement of determining whether a school is failing or not, the use of adequate yearly progress is simply insufficient when taking into account that many charter schools and other school systems start, not in elementary school, but in middle school to be able to amend problems that have existed over 6 years. And to try to amend those in only 7 months is way off mark.

Middle schools and other schools that start after elementary should be granted adequate time to truly work with their new students before judging the effectiveness of their programs. Also, the desire to see schools test high in math and reading comes at the detriment of other vital subject areas. Students from the truly best schools can do more than read and perform math on grade level. They are well-rounded human beings. And changes to the legislation need to reflect that.

Finally, millions of students across this country are currently being unintentionally shortchanged by adults who believe they are part of the solution. This is because the national conversation around urban educational reform is centered upon fixing the lowest standard as opposed to attaining the highest standard. In the global arena which our children live and will compete, it is not enough just to be on grade level. Our children must master their studies. And the only way to guarantee this is to ensure that all students are instructed by properly skilled professionals who believe in their students' greatness.



At its core, MS-2 was founded out of commitment to service. And in deciding to expand upon its nearly 150-year legacy and do its part to improve the K-12 education, Howard University invoked a gold standard. And in the short period of time, MS-2 has proven that with the proper flexibility and proper support, anything is possible.

Thank you for your time. And I will be happy to answer any of your questions.

[The statement of Mr. Maqubela follows:]

**Prepared Statement of Yohance C. Maqubela, Chief Operating Officer,  
Howard University Middle School of Mathematics and Science**

Good morning Chairman Kline, members of the Committee and invited guests. My name is Yohance Maqubela, and I am the Chief Operating Officer for the Howard University Middle School of Mathematics and Science (MS)2, a fully authorized District of Columbia public charter school serving grades 6 through 8.

In the prestigious tradition of Howard University, (MS)2 provides an educational experience of exceptional quality for a diverse middle school student population with high academic potential. Located directly on Howard University's main campus, as a non-selective school, (MS)2 opens its doors to students regardless of their past academic performance, social-economic condition, race or ethnicity, or learning style. Through an educational model that is student-centered and inquiry-based, (MS)2 creates an environment that is engaging, nurturing, fun, and safe for the academic risk-taking needed to master rigorous scholarly disciplines.

The primary principle underpinning (MS)2's foundation is the belief that all students should have a truly equal opportunity, not just to any education, but to a top-flight education, regardless of the various factors that have shaped their lives. Through the flexibility provided in charter school legislation, we have been able to create a truly unique educational model for our student population that takes into account and addresses the specific circumstances that have shaped their lives, without compromising our commitment to the highest levels of academic excellence.

So, what is our program, and how do we use this flexibility to make it truly innovative? First, and foremost, is our partnership with a major research university. Though we are a separate legal entity from Howard University, for all intents and purposes, we are a full part of the Howard University family. In creating our school, its founder Dr. Hassan Minor, a Senior Vice President at Howard University, was able to draw on the collective intellectual capital of the University community to ensure that no design element, academic or otherwise, was overlooked. Input from the School of Education, College of Engineering, Architecture, and Computer Science, and School of Social Work was used to create a school of academic excellence where all students can thrive. In practice, this forward-thinking model translates into a synergistic relationship where annually, over 50 Howard University graduate and undergraduate students work in our school as interns, ensuring that each of our teachers has at least one part-time teaching assistant who is either an education major or is pursuing a degree in the same subject as the class in which he or she works. Moreover, (MS)2 students have the ability to personally interact with university students, faculty, and staff on a daily basis, all while being educated on an elite college campus.

On such a campus, our students have the added benefit of being able to participate in the many special events, lectures, and visits of distinguished guests. All of this goes into creating middle school students who are not only educated for success, but also confident in interacting with those who have attained success and stature.

Possibly the greatest demonstration of the flexibility created by the charter model is the fact that we are our own Local Education Agency (LEA). As such, the power to create the most dynamic academic program for our specific student population, and adjust it at any point in time as deemed necessary, rests in the hands of those who are best equipped: the faculty. Despite the fact that incoming students are not required to demonstrate past academic success, or a particular degree of scholarly aptitude to gain admission, the academic program is extremely rigorous, and designed to prepare middle school students for the highest levels of success in high school, college, and their varied professional pursuits. However, with nearly two thirds of our students coming to us performing woefully below grade level in the core academic areas, it is clear that the traditional six-hour day, five days a week, 180 days of the year is terribly insufficient. Thus, our program contains a longer school day, which affords two additional academic periods per day, a Saturday Acad-

emy, and a Summer Academy. Further, we provide every student and every teacher with the most appropriate resources, including a plethora of school-based instructional technology and a two-to-one computer-to-student ratio that puts a computer in every student's home allowing access to an online version of his or her specific academic program.

Our longer school day includes a mandatory component where we operate our S.T.E.M.-Connections Program. Through this program our students engage in practical applications of the various scholarly disciplines that they study throughout the course of the traditional day. University graduate students and professors, along with professionals from the community at large teach such courses as Engineering Design and Technology, Nanotechnology, Architecture, Robotics, Digital Media, Aerospace Engineering, and Computer science, just to name a few. Our S.T.E.M.-Connections program is so impressive that recently our school received major funding from Google to build a state-of-the-art Computer Automated Design and Manufacturing Lab, patterned after the renown M.I.T. Fab Lab.

Trust me when I tell you that the details of our success are far too many to list in the time allotted to me today. However, as a brief sample I submit the following: for three years (MS)2 has received the most awards and honors in the D.C. Citywide Science Fair, including this past Saturday, 2 April 2011, five of our six participants winning awards; for the past two years an (MS)2 student has won the D.C. Citywide Spelling Bee and gone on to represent the District in the Scripts National Spelling Bee; for the past three years (MS)2 has won the Regional Sprint Solar Car Competition and gone on to place in the National Finals; and for the past two years (MS)2 has been the only public or public charter school team to make it to the State Finals for the middle school MATHCOUNTS competition. In short, over the past four years, no other public or public charter school has been as awarded in competitions on a regional or national basis. In fact, in 2006, when then Director of the National Science Foundation, Dr. Arden Bement, Jr. visited our school, he was so impressed that he tasked his media staff to create a documentary film (which was completed last year) about the school highlighting our program as a national model of how to best use technology in the instruction of mathematics and science.

In addition to attending a school with an excellent academic program, in order for students from this nation's most impoverished urban areas to attain the highest levels of success in school and in their future professional lives, it is important that they see and interact with individuals who have already attained the most advanced levels of the excellence that they aspire to. To this end, it is part of (MS)2's model to provide opportunities where our students can regularly meet, hear from, and interact with the dynamic people who shape the world around them. Individuals such as US Secretary of Education Arne Duncan, his British counterpart Education Secretary Michael Gove, radio personality Mr. Tom Joyner, Chemistry and Physics Nobel Laureate Dr. Ivar Giaver, acclaimed actress Ms. Cicely Tyson, and Chairman of Citigroup Mr. Richard Parsons, are just a few of the movers and shakers who have visited our school.

Clearly, no singular model is the answer to fixing our nation's entire educational crisis. However, I am hesitant to think of where our program would be if it were not for the flexibility permitted. I am sure that it would mean that we would not have Ms. Kimberly Worthy, an uncertified yet Highly Qualified teacher who was D.C.'s first State Teacher of the Year from a charter school. Nor would we be able to have Mr. Wesley Ellis as Chair of our Social Studies Department. While only in his third year of the profession, Mr. Ellis is such an outstanding teacher that when three members of the Executive Council from the Boeing Company visited his class last year, he was invited to attend Space Camp even though such invitations were previously reserved exclusively for math and science teachers. Again, these are just two further examples, from a nearly endless list, of how such flexibility has allowed our school to shine.

In regard to the No Child Left Behind legislation, in its current form it is flawed in its sole use of 'adequate yearly progress' (as it is presently defined) to determine whether or not a school system is failing. When taking into account that many charter school Local Education Agencies do not start in elementary school, but rather, like us, begin to receive their students in middle school, or high school, it is not reasonable to require that all students can be completely remediated in the seven prior to their assessment. In fact, how can a school be judged on annual progress in the first year that a student enrolls? Rather, a school should be assessed on how much its students grow over the course of the year. Secondly, the desire to see schools test high in math and reading comes at the detriment of so many other vital subject areas. Students from the truly best schools can do more than read and perform math on grade level. They are well-rounded and well-versed in all of the disciplines. Changes to NCLB need to be reflective of this. Finally, millions of students across

this country are unintentionally shortchanged by the adults who believe they are part of the solution. This is because the national conversation around urban educational reform is centered upon fixing the lowest standard and not attaining the highest standard. In the global arena in which our children live and compete, it is not enough just to be on grade level. Our children must command their studies. The only way to guarantee this is to ensure that all students are being instructed properly skilled professionals who believe in their greatness.

At its core, (MS)2 was founded out of a commitment to service. For nearly 150 years Howard University has been serving some of this nation. This service has not been delivered at some substandard or mediocre level, but rather, at a high standard of excellence. So in deciding to do its part in improving K-12 education, Howard invoked the Gold Standard. And in a short period of time, the Howard University Middle School of Mathematics and Science has established itself as a leading institution on the national landscape of public education.

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Chairman KLINE. Thank you.  
Dr. GRIER, you are recognized.

**STATEMENT OF DR. TERRY GRIER, SUPERINTENDENT  
HOUSTON INDEPENDENT SCHOOL DISTRICT**

Mr. GRIER. Good morning, Chairman Kline, Congressman Miller and members of the committee.

And a special good morning to Susan Davis, who we used to work together when I was superintendent in San Diego.

I am Terry Grier, superintendent of the Houston Independent School District in Houston, Texas. I represent a school board and 203,000 students. We are the nation's seventh largest school system and the largest school system in Texas.

Having served as superintendent for multiple districts, I have seen firsthand wonderful accomplishments the hundreds of millions of dollars in federal education grants have supported and how many children have benefited from this important financial aid. The traditional focus of federal education aid on disadvantaged, minority, students with disability and language minority students remains the appropriate federal priority. And I strongly agree with the attention directed to their disaggregated academic performance and the admirable task of closing the achievement gap.

Supporting and improving instruction and placing a quality teacher in every classroom and an outstanding principal in every school are the key to educational reform. And while there is no one best way to accomplish it, I would like to spend a few moments of your time to tell you what we are doing in Houston.

Our work, however, is impeded by various state and federal barriers that compromise our efforts. A major strategy in our district strategic direction is to transform our system and culture in our lowest performing schools, what we are calling the Apollo 20 Project.

We began implementing Apollo 20 in nine secondary schools that the Texas Education Agency labeled as either failing or unacceptable this school year. An additional 11 struggling elementary schools will be added during the coming school year.

The Apollo 20 Project is one of the most ground-breaking and comprehensive school turnaround projects happening in this country today. The turnaround strategy for this project is based on extensive research of successful charter schools conducted by Dr. Ro-

land Fryer, a Harvard University professor and the director of Ed Labs.

Dr. Fryer identified the following five strategies that were being used in these successful charters: human capital, quality principal in each school, effective teacher in each classroom, more instructional time, a longer school day, a longer school year, a cultural of high expectations and no excuses, high dosage tutoring and data-driven accountability. In these nine schools last year, we replaced all the principals and assistant principals in these schools.

We required all the teachers to reapply for their jobs, replacing in some schools as many as 70 percent of the teachers. We added an hour to the school day, 2 weeks to the school year. We have been very clear that in 3 years, we expect no dropouts, 100 percent graduation and 100 percent of the seniors attending college.

Now, we are just finishing our first year in this program. And I am very pleased to tell you that in these four high schools, 100 percent of the mainstream students—and these are students not including all special ed students—have been accepted to either a 2- or 4-year college.

High-dosage tutoring, one tutor per two students—and these are tutoring positions that we created with the help of match charters out of Boston. We recruited the tutors. They come from all over the country to help tutor our students.

We are also heavily engaged with a new teacher project out of New York and working to transform our entire human capital efforts in the Houston Independent School District, how we recruit and hire our teachers and principals, how we hold them accountable and evaluate their performance. We have just completed working with over 1,000 of our teachers to involve them in developing a new teacher appraisal instrument where approximately half of that instrument will be tied to student academic performance. We believe it important to involve our employees as we improve our schools.

We strongly believe in implementing innovative strategies to transform our school system. But we believe and know that we must have the flexibility needed to be innovative and effective in raising student academic performance. And certainly, the Federal Government has a central role in facilitating high goals and performance standards and holding states and districts accountable for results with all students.

If the reforms that states and districts are choosing to implement over time are not working, they must be held accountable through transparent reporting of student performance by sub-groups without statistical gimmicks that allow certain schools to avoid responsibility for their student outcomes. Now, we have a number of barriers, and I am going to just touch on one or two at the federal level and again at the state level.

The biggest issue for us, one of, certainly, the biggest ones is our Title I, ESEA Title I program. Fifty-six percent of those funds have been designated as set-asides. I certainly recognize and realize there ought to be set-asides for important areas like parental involvement. I have no problem with that. But 56 percent of these funds being earmarked really ties our hands at the local level.

Another big issue is supplemental educational services. School districts like ours that have such a wonderfully designed tutorial program that we designed ourselves is being affected. We cannot be a supplemental educational provider because of constraints of federal and state law. That just simply has to change.

We have SES providers in our school district that are giving children cell phones and tutoring them over cell phones and charging \$90 an hour with absolute no indication anywhere that those efforts are working. We also have a number of state barriers that I won't go into, but would be glad to answer because of time during the questioning period.

I can tell you that we in Houston are up to the task of reforming our schools. We have a courageous school board. We have willing teachers that want to be involved in solving these deviling problems. We have to have some relief from these mandates, both at the federal and the state level.

Thank you, Mr. Chairman.

[The statement of Mr. Grier follows:]

**Prepared Statement of Dr. Terry B. Grier, Superintendent,  
Houston Independent School District**

Good morning, Chairman Kline, Congressman Miller, and members of the Committee. I am Terry Grier, superintendent of the Houston Independent School District in Houston, Texas. I represent the School Board and 203,000 students. Thank you for the opportunity to testify on the educational reform initiative that we have undertaken in Houston and the impact of federal law and federal programs which both support, and at times, complicate those efforts.

Having served as superintendent for multiple districts, I have seen firsthand wonderful accomplishments the hundreds of millions of dollars in federal education grants have supported and how many children have benefited from this important financial aid. The traditional focus of federal education aid on disadvantaged, minority, students with disabilities, and language minority students remains the appropriate federal priority, and I strongly agree with the attention directed to their disaggregated academic performance and closing achievement gaps. Supporting and improving instruction is the key to educational reform.

And, while there is no one best way to accomplish it, I would like to spend a few moments of your time to tell you what we are doing in Houston. Our work, however, is impeded by various state and federal barriers that compromise our efforts and impact our most vulnerable children.

A major strategy in our district's Strategic Direction is to transform our systems and culture in our lowest-performing schools through what we are calling Apollo 20. We began implementing Apollo 20 in nine secondary schools that the Texas Education Agency labeled as either "failing" or "unacceptable" this school year. An additional 11 struggling elementary schools will be added during the 2011-2012 school year.

• The Apollo 20 project is one of the most ground-breaking and comprehensive school turn-around projects happening in the country. The turn-around strategy for the Apollo 20 project is based on extensive research of successful charter schools conducted by Dr. Roland Fryer, a Harvard University professor and the director of EdLabs. Dr. Fryer identified the following five strategies that were being used in one or more successful charter schools:

- Human Capital—Quality Principals and Effective Teachers
- More Instructional Time—Longer School Day and Extended Instructional Calendar
- Culture of High Expectations and No Excuses
- High Dosage Tutoring
- Data-Driven Accountability
- We strongly believe in implementing innovative strategies to transform our school system, and we must have the flexibility needed to be innovative and effective in raising student achievement. Innovation is appropriate only if it is framed by the goal of improving student outcomes.

• The Federal government has an essential role in facilitating high goals and performance standards and holding States and districts accountable for results with all

students. If the reforms that states and districts are choosing to implement over time are not working, they must be held accountable through transparent reporting of student performance by subgroup without statistical gimmicks that allow certain schools to avoid responsibility for their student outcomes.

At the local level, we face barriers to implementing instructional reforms and innovations from multiple sources. We refuse to use these barriers as excuses, but any effort to remove or mitigate unnecessary or unproductive requirements in a worthy task.

#### *Federal Barriers*

Designing and implementing instructional activities under federal programs is complicated by a myriad of requirements and statutory set-asides, as well as reservations of funds for particular activities. ESEA Title I provides the most striking example with the No Child Left Behind statutory set-asides totaling some 56% of the funds depending on how you add them up [1% for state administration, 1% for parental involvement, 4% for state-determined school improvement, 10% for professional development for school improvement status, 10% for professional development for district improvement status, 20% for SES and school transfers, 5% for non-qualified teacher professional development, and 5% at state discretion for recognition and rewards.] I might note that the modest flexibility built into the No Child Left Behind Act regarding the 20% set-aside was purposefully regulated out of existence under the previous administration, and during the past two years, the current administration has been unwilling to modify that over-regulation. With such a large proportion of statutorily-directed spending since 2001, instructional decision-making at the district and school level for Title I has been exceptionally challenging. Over the years, the amount of school level Title I allocations have been decreasing as more of the set-aside funding has been triggered.

More importantly, evaluations of the implementation of the SES set-aside requirement has demonstrated minimal results at best, yet the expenditure requirement lives on without the type of evidence of effectiveness that we can document in our supplementary programs. Districts should retain flexibility in the appropriate use of these funds, including some discretion to use those funds to provide tutoring to students who are performing behind as compared to their grade-level peers during the school day, rather than paying for after school tutoring to external providers whose effectiveness is unknown. In addition, there should be flexibility in using those funds to lengthen the regular instructional day and school calendar to provide students in struggling schools increased time for learning. In-school tutoring and more instructional time are two researched-based effective strategies that are often implemented in charter schools, yet are not implemented in traditional public schools. We must be bold and creative in adopting and infusing best practices, and have the flexibility to use targeted Title I funds for their implementation, rather than relying on external providers for that support.

Though every superintendent that I know complains about federal requirements and the lack of flexibility to best utilize federal funds, it is important to note that some of the categorical grant requirements meet their desired result. For example, the Education Stabilization Fund under the Stimulus Act has few federal requirements, and as a result, a number of states cut their own state education funding further than necessary, and simply replaced it with Stimulus Stabilization Funds. Local school districts, therefore, received little value-added funds in the states that gamed the system. Texas, unfortunately, was one of those states which cut our state education aid, while simultaneously taking the Stabilization Funds and increasing the State's Rainy Day fund. Texas, however, was unable to "offset" the Stimulus Title I funds due to the categorical requirements that accompanied those programs.

This experience suggests that at proper balance of requirements and flexibility needs to be crafted in any reauthorization. But, there are certainly many of the 588 requirements in just Title I Part A, identified by the Department of Education's Inspector General in a March 2006 report, could be deleted without damaging the purposes and benefits of the program.

#### *State Barriers*

Federal requirements are not the only barrier to local instructional flexibility and innovation. The state departments of education impose multiple additional requirements on federal programs—sometimes for state policy purposes and sometimes to shield themselves from federal program and audit questions. For example, the California Department of Education refused to allow my district to use our Title I Stimulus Funds to maintain reasonable class sizes in certain key Title I schools in the midst of massive state budget cuts. Frankly, I believe that my local academic team

is much more qualified to make those instructional judgments than state program officers.

Even the flexibility intended in current federal law is at times restricted by the state agencies. States often require categorical reporting of activities and funds in Title I schoolwide programs, even though the Act allows the commingling of these federal, state and local funds. This type of reasonable coordination and integration among a variety of funding sources and school level and district level plans is a worthy consideration during the reauthorization of ESEA.

Since I am currently in the middle of cutting up to \$324 million out of our \$1.5 billion local budget, my concerns with state level inflexibility is probably heightened. For example, the state currently requires approval from the Commissioner of Education for a waiver to begin school early. Some of the most successful schools, including charter schools, such as Harlem Children’s Zone and MATCH Schools in Boston have a longer school year.

We recognize that there is no silver bullet to transforming public education. At the same time, we must be use research-based and data-driven evidence to drive innovative transformational efforts to meeting the unique needs of every one of our students. The Houston Independent School District is committed to leading the way in closing the achievement gap and ensuring all of our students are prepared for college and careers. To do this requires more local freedom from current state and federal laws, regulations and guidelines with increased accountability for results at all levels.

Thank you for the opportunity to speak to you today. I will be happy to answer any questions you may have at this time.

[Supplemental material submitted by Dr. Grier follows:]

SUPPLEMENTAL INFORMATION SUBMITTED TO THE COMMITTEE ON EDUCATION AND THE WORKFORCE

**School Meal Standards**

There is strong research that when students have a healthy breakfast, they have increased student academic performance. Food is a basic need, and we must do all that we can as stewards of the public to ensure that our students start their day off with a healthy meal.

That is why I advocated for and received strong support from our Board of Education to implement a Breakfast in the Classroom program. In just the last two years this program has been expanded to serve students in 217 of our schools. Through Breakfast in the Classroom, we serve 102,360 meals a day. This school year alone will have served more than 18million breakfasts to HISD students.

In addition, through our 2007 Bond Program, the Houston community invested in the building of a food service preparation and storage facility. HISD prepares school breakfasts and lunches in this facility and delivers prepared, nutritional meals to our school. Last year, HISD serves more than 42 million meals. This year, we anticipate serving nearly 48 million.

Our district has seen a slight increase in the number of students who qualify for free or reduced meals. The chart below is reflective of the increase, with a larger increase in those students who qualify for free meals under the Federal Free and Reduced Lunch Program.

STUDENTS QUALIFIED FOR FREE/REDUCED MEALS

Month/Year	Free eligible	%	Reduced eligible	%	Total F/R eligible	%
Apr-11 .....	148684	74.01%	13426	6.68%	162110	80.69%
Apr-10 .....	142980	71.57%	16199	8.11%	159179	79.68%
Apr-09 .....	136198	68.91%	18101	9.16%	154299	78.07%
Apr-08 .....	134431	68.53%	19455	9.92%	153886	78.45%
Apr-07 .....	136902	69.01%	19327	9.74%	156229	78.76%

USDA has proposed changes to Nutrition Standards in the National School Lunch and School Breakfast Programs. While we are certainly in favor of increasing nutrition for our students, we are concerned about the lack of funding to do so.

To implement the new standards, Congress has approved an additional \$0.06 per lunch served starting in October 2012. Our concern? We anticipate the cost of milk alone will increase by \$0.06 per lunch going into next year. The effect? Food costs

will have already outpaced the proposed reimbursement increases going into the 2012-13 school year.

In addition to rising costs of milk and other food items, here is our estimated cost to meet USDA's proposed nutrition standards:

Here is our estimated cost to meet proposed USDA proposed nutrition standards:

- Increased cost to breakfast meals: \$467,000
  1. Increased daily portions of fruit (\$270,570)
  2. Increased daily portions of grains (\$9,082)
  3. Increased daily portions of meat and other protein sources (\$187,677)
- Increased cost to lunch meals: \$783,000
  1. Increased daily portions of fruit and vegetables (\$315,418)
  2. Increased daily portions of grains (\$67,912)
  3. Increased daily portions of meat and other protein sources (\$399,670)
- Additional cost of training hours for kitchen employees: \$400,000
  1. Change from "Nutrient Standard" to "Food-Based" menu planning requires different procedures in meal preparation, serving, and accounting at cash register
- Total estimated cost: \$1,650,000

From our analysis believe HISD will have at least a \$1.65M gap between revenue and cost as a result of USDA's proposed rules.

While we are strong advocates for providing children with nutritious meals, we recognize that increased nutritional standards and rising food costs place an increased financial responsibility on school districts. In these times of federal, state and local budget constraints, we cannot afford to have additional unfunded mandates.

#### SPECIAL EDUCATION

1. Houston ISD received in IDEA-B ARRA entitlement \$ 43,556,473 (Formula: \$42,452,708; Preschool: \$1,103,765). In addition to allocating funds to cover personnel and contracted services costs, the following items with corresponding costs were purchased:

- Districtwide special education data management system to provide a comprehensive, web-based online tool to develop Individualized Education Programs (IEP) for students with disabilities. This system is integrated with the student information and personnel information systems (\$1.5 million).
- Increased and improved access to technology with new computer workstations for students with disabilities. The Universally Designed for Learning (UDL) workstations align directly with recommendations made in a review of the district's Special Education Program (\$3.5 million).
- Districtwide access to Kurzweil 3000(tm), a comprehensive reading, writing and learning software for struggling readers including individuals with learning difficulties such as dyslexia, attention deficit disorder or those who are English language learners. In addition, Kurzweil 3000(tm) supports the principles of UDL enabling students of all abilities to engage with digital text (\$320,000).
- Districtwide computers and wireless mobile carts for use by students with disabilities in all classroom settings (\$3.3 million).
- Supplementary reading and mathematics materials that support the district's literacy and numeracy plans (\$2.7 Million).
- Technology, software and hardware to enhance services for students with disabilities ages 3-5 (\$1 million).
- Assistive technology and augmentative communication systems such as FM systems (\$270,000).
- Test kits and protocols to evaluate and identify students with disabilities (\$600,000).
- Extended school year services for students with disabilities based on IEPs (\$2.4 million).

These expenditures provide access to the district's curriculum to students with disabilities so that they can be ready for college and careers of their choice.

#### REQUIREMENTS FOR ADDITIONAL DOCUMENTATION AND MEETINGS

- State legislation in Texas places increased accountability on local school districts beyond the federal legislation and guidelines for serving special education students.
- The Individuals with Disabilities Act of 2004 requires public schools to provide free appropriate public education in the least restrictive environment to students with disabilities ages 3-21. There are extensive guidelines for identification, eligibility, development of IEP, reevaluation and parental rights. Texas has additional



requirements that exceed federal law. The district is a member of a coalition of school districts in the state that supports proposed Paper Reduction legislation.

- The state's requirements for special education exceed federal requirements with many additional supplements such as ones for services to students with autism, transition services, and extended school year services. In Houston ISD, on average, a student's IEP from start to finish (drafting, scheduling meeting, holding meeting) can take approximately 6 hours per each member of the ARD committee and can run up to 25-30 pages. If the student requires one of the myriad of supplements our state requires for autism, visual impairment, extended school year, etc. we may be looking at 40-50 pages. In the best case scenario, this process takes place once a year. But for many of our more severely disabled students, multiple meetings necessitating additional time and paperwork may be warranted.

Conservatively, here are HISD's calculations:

- Number of students with disabilities enrolled in 2010-2011: 16,380
- Approximate number of ARD Committee members per student per meeting: 5
- Average number of meetings per student per year: 1.3
- Average hours per meeting (including document preparation): 6
- Average hours related to ARD/IEP process for the district:  $16,380 \times 3 \times 1.3 \times 6 = 638,820$  hours

This does not include paper work required for transfer students, requests for initial evaluations, and three year reevaluations. Our schools are drowning in paperwork and this bill, if passed, will help reduce some of it.

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Chairman KLINE. Thank you, Dr. Grier.

Thanks to all the witnesses.

I will now recognize my colleague, the senior Democrat on the committee, Mr. Miller, for his opening remarks.

Mr. MILLER. Mr. Chairman, thank you. My apologies for coming in late. Just sometimes in this business, you have to be in two places at one time. I tried, but I didn't make it.

This morning's hearing is very exciting for me. It signals to me that a majority on this committee is ready to move forward in a meaningful way in the reauthorization of Elementary and Secondary Education Act. This is great news for our nation's children and for our communities and for our future.

We have now had a series of hearings in this session of Congress looking at the burdens on schools. As I have said before, we are right to look closely at the role of the Federal Government in education. We are right to identify burdens on states and school districts and the individual schools.

And we are right to incentivize high performance. In my opinion, the take-away from these hearings has been that we are—there is a growing consensus in this committee about what a great bill might look like to help strengthen our schools.

The role of the Federal Government should be setting high standards for all students and establishing a strong system of accountability tied to those standards. We also need to encourage more data and data-driven decisions made by schools. When we have this data, then the Federal Government can step back and give more flexibility to states and school districts.

Additionally, flexibility will lead to greater innovation as long as the end goal is always about improving students' outcomes. I believe high standards, strong accountability and data-driven decision making and local flexibility to improve student outcomes is a recipe for success in this reauthorization.

Now we have to stop talking and act. Our students can't afford for us to wait any longer. And I think the testimony of this panel

suggests that the districts and schools can't afford for us to wait any longer.

Too many students in too many schools are continuing to fail the mark and the expectations and the needs of the parents and our communities. More than 7,000 students become dropouts every school day in this country. This adds up to over 1 million students each year who do not graduate from high school with their peers.

Thirty-one percent of the nation's high school students do not graduate from high school on time with a regular diploma. If you want to talk about job growth and economic recovery, reauthorize ESEA. Graduate more students college and career-ready and increase job earnings, investments, sales and tax revenues. The list goes on and on.

These hearings have made it very clear that what our students need to succeed isn't a mystery. Some of these elements were in place in No Child Left Behind. But for all of its flaws, the current law did help us see for the first time what was happening in our schools. Now we know what is happening, and we know we need to give schools the support and the resources to help spur the real change that our students need and to help improve and move our schools forward.

When I talk about supports and resources, I am not just talking about money. I am talking about the information and the data so that schools and parents and students and administrators can make informed and smart decisions. We can't look back. Instead, we need to build on what we have gotten right and improve on what we didn't.

There is no room for partisan politics when it comes to education. The status quo and failing our students and our future and economic stability and our global competitiveness is at risk. We have to take a stand as a nation that is no longer acceptable for some students at some schools to make gains while most students lag behind. If we don't hold our schools accountable for all of the children in their classrooms, we will fail our country.

I look forward to hearing from our witnesses, which we have done. Excuse me. Just got a time lapse here. And I want to thank you for your testimony. [Laughter.]

Thank you.

[The statement of Mr. Miller follows:]

**Prepared Statement of Hon. George Miller, Senior Democratic Member,  
House Committee on Education and the Workforce**

Thank you, Mr. Chairman.

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This is great news for our nation's children, for our communities and for our future.

We've now had a handful of hearings in this session of Congress looking at the burden on schools.

As I've said before, we are right to look closely at the role of the federal government in education.

We are right to identify burdens on States and school districts, and we are right to incentivize high performance.

In my opinion, the takeaway from these hearings has been that there is a growing consensus in this committee about what a great bill should look like to help strengthen our schools.

The role of the federal government should be setting high standards for all students and establishing a strong system for accountability tied to those standards.

We also need to encourage more data and more data-based decision making by schools.

When we have this data, then the federal government can step back and give more flexibility to states and school districts.

Additional flexibility will lead to greater innovation as long as the end goal is always about improving student outcomes.

I believe high standards, strong accountability, data driven decision making and local flexibility to improve student outcomes is our recipe for success in this reauthorization.

Now we need to stop talking and ACT. Our students can't afford for us to wait any longer.

Too many students in too many schools are failing.

More than 7,000 students become dropouts every school day in this country. This adds up to over one million students each year who will not graduate from high school with their peers; 31 percent of the nation's high school students do not graduate from high school on time with a regular diploma.

If you want to talk about job growth and economic recovery, reauthorize ESEA, graduate more students college and career ready, and increase job earnings, investments, sales, and tax revenue. The list could go on and on.

These hearings have made it very clear that what our students need to succeed isn't a mystery.

Some of these elements were in place in No Child Left Behind.

For all its flaws, the current law did help us see, for the first time, what was happening in our schools.

Now that we know what is happening, we have to give schools the supports to help spur the real change that our students need and to help move our schools forward.

We can't look back. Instead, we have to build on what we got right and improve on what we didn't.

There is no room for partisan politics when it comes to education.

The status quo is failing our students and putting our future, our economic stability and our global competitiveness at risk.

We have to take a stand as a nation that it is no longer acceptable for some students at some schools to make gains while most students lag behind.

If we don't hold our schools accountable for all the children in their classrooms, we fail our country.

I look forward to hearing from our witnesses about the necessary changes we need to help support our schools to put all students on a pathway to success.

Chairman KLINE. I thank the gentleman.

And for the guests here and the witnesses, we all get caught in this trap that Mr. Miller was just talking about. For some reason, Congress over the years has designed a system which, not only requires us sometimes to be in two places at once, but sometimes three or more. And it turns out that it just doesn't work that way. The system breaks down occasionally.

Mr. Miller said something that I think is worth emphasizing here. We have a growing consensus, I believe, in this committee that No Child Left Behind is failing in many ways and needs to be corrected. And that means we have got to move forward on legislation.

We have heard repeatedly about flexibility, and we are going to continue to explore that today, that in a variety of ways, our witnesses have said that there is too many restrictions, we have a set-aside problem, we have other restrictions on schools and districts to be able to make rational decisions and that we clearly need some system of accountability. One of the larger questions is accountable for what, to whom.

But obviously, there is data, to use Mr. Miller's term, that is going to be part of this. And assuring that we have enough data

and the right data will be part of the ongoing discussions here. So I do believe that with this growing realization that we have to move in some of the fundamental pieces, we are going to be able to start moving forward as early as next month with stages of making some of the corrections that we have been talking about here today.

Dr. BARRESI, you have talked about moving to a grade system for your schools. And this is a system that we have seen popping up in other states and other places. Can you just take a minute or so and tell us what are you going to use to determine how you are going to determine what that grade is?

Ms. BARRESI. Well, I appreciate the question. And the bill is moving very nicely through our legislature. And I appreciate their devotion towards this subject as well.

Our desire is to create a simplified grading system that will allow parents to understand the overall performance of their child's school, but then also for community members and chambers of commerce to be able to easily understand the impact of education in their overall school.

To be specific, in the current bill going to the legislature, 66 percent of that assessment will be in overall academic achievement and test scores, if you will. That is about 25 percent of that number will be in the overall improvement of the school itself. And then 25 percent will be the overall improvement in the lowest quartile of students within that school. And so, that will allow schools to be able to show growth over a period of time, particularly in their lowest performing schools.

Another large percentage, 34 percent, will be on whole school improvement such as graduation rates, participation in A.P. and I.D. courses, participation in SAT and ACT courses. Also, with the use of our improved data system that we are working on, we will be able to correlate those students that originally had scored in limited knowledge, but were now succeeding through high school, from middle school through high school.

And so, this grading system then brings in multiple metrics, not just one test score. And it becomes a meaningful measurement for parents and for everyone.

Chairman KLINE. Thank you. It is interesting to watch that progress.

Dr. AMOROSO, you and I have talked so many times, I am almost embarrassed to ask a question because I fully know the answer to this, based on those many questions. So let me just limit it to this.

We have talked about AYP and the restriction of the—of the single test. Could you just take a minute to cut to the chase on what that problem is that the current one test, one measure, one AYP and what you would like to see that change to?

Mr. AMOROSO. Thank you, Chairman. Our perspective is that assessment really can be looked at as a three-legged stool. One leg can be some type of state-driven vehicle. We look at the other leg really being a tool utilized by the district.

In our district, we use the—excuse me. We use the measurement of academic progress, which is a standardized measure. We use it in grades two through eight. And what it does is provide us an opportunity to do a diagnostic testing of our children in fall. That

tells us where the students' achievement levels are at. It also makes a prediction of where their achievement level needs to be in spring.

We then do a second assessment using the measurement of academic progress in the late winter. And that lets us know what type of growth has been achieved by every student. We get that data immediately. That data is then used to inform instruction for the remainder of the year with our children.

Our current model, when we use the MCA2s in Minnesota, our students take those tests in spring. We get the results the following fall. We have lost the opportunity to work with the children. That data that has been provided doesn't inform our decision making. And so, we believe that multiple measures is the way to go.

And then the third leg of this stool is what happens in the classroom, the assessments that take place with our classroom teachers working with their children and then the communication that we have with our parents. We believe that the conversation need not be one measure that gives you a snapshot in time. We believe the conversation needs to be about multiple measures which provide an opportunity to create data, which can be used to help inform instruction and move the child along.

Chairman KLINE. Thank you. Thank you very much.

Mr. Miller?

Mr. MILLER. I know we have witnesses that anticipate a question. This isn't going to work. Given what your testimony is today and what I said in my opening statement, my, sort of, conclusion is that the federal role should, sort of, go from an old Univac computer to an iPad, that this has to be much thinner, more efficient than in the past. And I would just like to comment on some of the things that I think we should consider in the reauthorization of the ESEA.

One that would obviously—this bill would set high standards and goals for college and career-readiness of all of our students when they leave—and hopefully, they will leave high school with a diploma, that we would maintain for all students, including current sub-groups, that accountability, but with a richer index, measures that uses growth graduation rates, high-quality modern assessment systems. You have just addressed some of that—provide states, districts and schools with the flexibility to improve schools based upon their students, school, community needs, whether that is an extended day or wrap-around services or new curriculum.

That is for schools and districts to make those decisions—to support real-time data-based decision making to allow the Federal Government to get out of the way and support a real-time performance-based system, ensure performance is transparent so the parents and communities can decide what their participation should be and so they understand the decisions that the school has made about the education of their children.

And hopefully, when we look at sustainable models around the country, that community involvement and parental involvement seems to have a lot to say about sustainability over extended periods of time as opposed to 1-and 2-and 3-year wonders and that we would consolidate programs so that districts could better and more easily access funds, provide more flexibility on what can be funded,

at what level and encourage local community partnerships that have strong, consistent outcome indicators to measure program successes.

We find now in big portfolio districts, multi-faceted districts, you may have to have a partnership with the police department, with the parks and recreation, with health services so that you can address the needs of the students in those schools. And finally, and most, I think, very, very important that we support a professional environment for teachers and school leaders and let them get back to doing their jobs and provide them with the information and the resources they need, again, in real-time to make adjustments, to make decisions throughout the school year, not just at the end of the year or the beginning of the—of the next year.

And, Dr. Grier, I would like to begin with you and just in terms of a comment. Each of you have sort of outlined the directions that you are going in. And I would just be interested to see if there is a possibility for a much—what I call a thinner federal role, serious accountability, but I would shift that accountability more to parents and community than us.

Mr. GRIER. I think that there must be a very careful blend of accountability and flexibility for results. And I agree with the comments that you have made. We also get, in public education across the country—I have served as superintendent in a number of states. It is very perplexing sometimes the descriptors that the Federal Government and the state governments use to describe effective schools.

I know in districts where I have worked in the last three states I have been in, it is very hard to explain to parents how a school can be a failing school because it did not make AYP, but at the state level, it is a recognized or even called an exemplary school. And it is very confusing to parents when you—and your staff—when you are trying to discuss reform efforts and the need for reform.

So we have to have accountability, but we also have to have the flexibility to do what we need to do. When 56 percent of your Title I funds are designated or earmarked, I happen to believe that our administrative team, that includes teachers and parents in our site-based teams, are better prepared to decide how to spend that money than folks mandating to us how those resources need to be spent.

Mr. MILLER. Be careful now.

Mr. GRIER. I know. I want to be careful—

Mr. MILLER. And the rest of the comment, we have about a minute left here, hopefully.

Anyone else?

Certainly.

Mr. MAQUBELA. When we were all in school, there was no No Child Left Behind. And there was no AYP. So in looking at that and looking at this very issue of accountability, we have to go back and look at what was the purpose, what was the cause to have us have these assessments as they have now turned out to be across the board.

Well, at that time, America was leading the world, not only in innovation, but in education in every sector. So we created this, not

just to judge schools, but to turn around the school systems across this country where our students were being educated. So in looking at that, we can't have one generic national model that looks at every single school district the same.

I think one of the things that I hear many of my colleagues say, not only here, but every time I travel around the country, is you need to look at what is going on not only in the school district, but in that particular school. So clearly, we need to have a common sense understanding of what success looks like.

However, at the national level, we need to continue to pass that intense monitoring one step down, so from the Federal Government to the state government to the municipalities to the individual schools. And for us, we know that there is nobody better equipped in managing that school to understand what the specific needs are of those particular students that are in that school than the head of that school, the principal as reported to him or her by the faculty in that building.

So to take that power out and pass it one step up and take it away from the municipalities and pass it up and pass it up, we have the situation that we are currently in and where, just as Dr. Grier says, you have outstanding schools that you know are doing your school and your students a true service that are deemed as failing.

Ms. BARRESI. Congressman, what I heard from you is—and rightly so—a recognition of the importance of local control of schools and a recognition of the importance of data in informing, not only instruction, but critical decision making. And that is very important. If we have those flexibility of dollars within our state to apply them to the particular situations we have in our states—in Oklahoma, we have a very large Native American population, a very largely growing immigrant population, English as a second language.

We have a mixture of rural, urban and suburban schools, each of them with very different types of challenges and needs. And so, if we had increased flexibility informed by data to make those decisions on where we spend our dollars, it would be excellent, particularly, for instance, in our student grading system I just discussed.

If parents and educators within a school decide that it is unsatisfactory, the grade they received, if they say, well, we don't like this D, we want to increase it to a C, here is our 2-year plan on how to do that. I would love to be able to have a grant pool where they could apply with competitive grants to be able to enact that plan. That is a great deal of community and parent buy-in, and it is accountability.

Chairman KLINE. Thank you.

The gentleman's time has expired.

Mr. McKeon?

Mr. MCKEON. Thank you, Mr. Chairman.

Thank you all for your testimony. I had the opportunity in 2006 for a short time to chair this committee. And we were preparing for the reauthorization of the Elementary and Secondary Education Act or No Child Left Behind. I was involved, as many of us on this committee were, in writing that. We thought that that probably was the solution to end all solutions for education.

And immediately, we started getting bombarded with criticisms as soon as it was passed. And that went on for years. And as I traveled around the country in 2006, it seemed to me that people were saying to me that a few things. And I talked to school board members. I talked to superintendents, principals, teachers, parents. And the different parts of the country all said the same thing.

You know, if we could—if we could solve English secondary language, if we could deal with the students with disabilities, if we could deal with growth models, there were about five or six things. And then we lost the majority. Mr. Miller became the chairman of the committee. And he tried really hard for 4 years to get this re-authorized. And now, Mr. Kline is trying really hard to get this re-authorized.

Chairman KLINE. Where is the story going?

Mr. MCKEON. I am going to where—you know, if somebody were judging us like we are judging these schools, we would probably be a failing Congress or a failing federal—maybe we were judged, and maybe that is why—

Chairman KLINE. I don't know.

Mr. MCKEON. Anyway, the point is each of you mentioned flexibility. If you were in our seats, I would like to hear from each of you what you would do to make that flexibility happen. I don't care where you start.

Mr. GRIER. One of the things I would suggest is that you would consider eliminating all set-asides, perhaps with the exception of a 1 percent for parental involvement and let local school districts and school boards and superintendents, with input from their teachers and administrators, decide how to best spend those dollars and, at the same time, hold us accountable for results.

Mr. MCKEON. Okay. Okay. Some people think local control is state. Some people think it is county. Some people think it is school—in area schools, it would be school district. Okay. So you would bypass the state?

Can we do that, constitutionally? I mean, with the state?

Mr. GRIER. Well, I can tell you the states I have worked in, the last three states, North Carolina, California and now Texas, federal money that flows through the states through the departments of education that get hung up there and they take it off the top—

Mr. MCKEON. I know it. I agree with you totally.

Mr. GRIER [continuing]. It—

Mr. MCKEON. Could we give it straight to the school?

Mr. GRIER. Straight to the school districts.

Mr. MCKEON. Okay.

Next?

Mr. MAQUBELA. I think one of the key issues when we talk about flexibility is incorporating within the legislation some kind of mechanism to evaluate each school district and schools individually based on their—

Mr. MCKEON. You think that is the federal responsibility to evaluate each school?

Mr. MAQUBELA. Not that it is their responsibility, but there is a mechanism within the federal legislation that allows states—

Mr. MCKEON. How about if we took the Federal Government out of that?



Mr. MAQUBELA. Well——

Mr. MCKEON. And we just gave you the money, and you just do what you want?

Mr. MAQUBELA. Well, I think, you know, obviously there are pros and cons to that. However, for us, I think that when we look at it, there needs to be——

Mr. MCKEON. How about if we just cut the taxes and let you tax at the local level and be totally in charge of it?

Mr. MAQUBELA. I mean, certainly, for us, we would love to get the money directly.

Mr. MCKEON. Great.

Next?

Mr. AMOROSO. We would love to get the money directly, but I don't think our board of education wants to tax for it. That would be——

Mr. MCKEON. They would rather have us tax?

Mr. AMOROSO. Yes, probably.

Mr. MCKEON. And then give you the money?

Mr. AMOROSO. But we would——

Mr. MCKEON. The problem is when it comes here, it goes through a siphon, and it doesn't all get back to you.

Mr. AMOROSO. That is true. But I also believe that we have so many areas that we are already taxing within our local area that I don't believe the Federal Government needs to be totally out of the picture. I think the Federal Government has a responsibility to ensure equity, access for all children.

But I think when you start boring down then into the operationalizing of that, I think that is where the Federal Government needs to step aside, work through the states.

There is no problem having accountability structure with the state. When you provide us with the dollars, as Dr. Grier said, give us the dollars directly, but hold us accountable for creating a plan on how those dollars are going to be utilized. Submit that plan to the state. Have the state approve it. And then there is an accountability that goes beyond just the district.

Mr. MCKEON. Well, you know, we have been chewing on this now for 4 years trying to get this reauthorized. And during that 4 years, we have had kids go through the system or fall out of the system. And we are still sitting here talking. And I got three different answers on flexibility. And probably——

Chairman KLINE. And that is all you get. The gentleman's time has expired.

Mr. MCKEON. Thank you.

Chairman KLINE. Mrs. McCarthy?

Mrs. MCCARTHY. Thank you.

For some of us that have been here a long time, everything that you are all saying with the flexibility and local control is something that we all went through.

But, Dr. Amoroso, everything that you basically said were the goals that we all had here in No Child Left Behind, to look at each child individually and where did they need help. One of the biggest problems were, in my opinion, from what I heard from my school districts, was things that weren't working, we couldn't get that data fast enough to change it around. And that was a big problem.

There were a number of things that have been said as far as the local control, which I happen to believe in. But with that being said, we also know you are the best of the best. There are school districts out there that unfortunately do not use their money wisely. And that is why we need to look at how we have accountability.

And going back to the state, you know, I live in the great State of New York. And they have taken over one of my schools. And they have had it for 10 years and haven't made any improvements on it. So again, how do we take the best of the best of the information that you all are giving us and be able to phase that into some challenging schools? And we all have challenging schools. There is no two ways about that.

We all want the best education for our students. But to be very honest with you, I am hoping as we go through this reauthorization—I don't want to be back here in 10 years and say, okay, here are the problems we have, because that is a whole generation of kids we have lost.

And yet, I have schools in my district that are serving an underserved area. But it was the principal and the superintendent bringing that energy to the school and making sure 97 percent of those kids are graduating to go to college.

No one is looking at the grade schools that we have with the challenges that some of my same schools have. You know, so to me, it is within, which is a little bit of what you are doing in your charter schools. But it is also the principals, which I believe that we should be looking at how we develop better principals. How do we develop those that can go into the schools and take charge to have the leadership that they need?

You are all the top of the cream. And so, I will take anyone that can help me out on where we go with that.

Mr. MAQUBELA. Congresswoman, you hit the nail right on the head. And myself, I spent numerous years in New York. And part of my time there was working in the New York City Department of Public Schools. And they had a very innovative model in the early 2000s where they looked at individual schools and the leadership of those schools and developed the metrics to determine what makes a quality principal.

And then they developed a system to give those quality schools that were headed by quality principals the latitude and the leeway to still be a part of the public school system, but have more flexibility similar to a public charter school or an independent school.

I think when we talk about this legislation, there needs to be a mechanism for the Federal Government to allow states to develop a plan—because what you say is right. Not all state boards of education are created equal. And not all school leadership is created equal.

But where the Federal Government allows the states to create a plan to then assess the performance of top-performing school districts and top-performing schools to give them that flexibility. No one knows how better to serve the children in a school than the faculty and the administration that run that school.

But your point is well-taken. We need to develop more quality leadership in our schools. But when we identify those, we can't hamper them and bog them down and bar the innovative genius

within them by giving them the same treatment as we do a failing school.

Ms. BARRESI. Congresswoman, one of the most important things we can do as we transition the changes within No Child Left Behind is to move away from the idea of AYP. We are addressing a new situation in this country where we have to focus on college-ready and work-ready meaning the same thing. And so, it is a new way of looking at this.

And so, we need to incentivize innovation. We need to incentivize success and take those techniques and models and find where we can apply them to areas that across the country that represents the same demographics.

I have seen successes in the inner city, and I have seen successes in rural Oklahoma. And there is nothing that any of those schools are doing that cannot be replicated within schools within those same areas. They need to be incentivized to do that.

I had the opportunity last week to attend the Council of Chief State School Officers. There was widespread agreement among all of us that the greatest challenge we have is in teacher and leadership effectiveness and identifying, recruiting and developing professionals that can go into our classrooms.

So as we are faced with the requirements of highly qualified teachers that focus more on degree level and certification, what we need to do is look at individuals that have the skill and the expertise to meet the individual needs of children within those schools.

Mr. GRIER. Just real quick, I concur. One of the finest charters school networks in Houston, the principal/superintendent running that network has a B.A. degree. And right now, the flexibility they have to hire principals in their schools and compared to what we have in our district is like night and day. I would like to see us, in terms of certification—the kind of principals we need to run urban schools need to be innovators.

Their training program needs to be almost as much or more from the MBA side of the house at the university level than getting a master's degree in school administration. How we train principals must change in this country.

Chairman KLINE. Thank you.

The gentlelady's time has expired.

Mrs. Biggert?

Mrs. BIGGERT. Thank you, Mr. Chairman.

Dr. AMOROSO, my State of Illinois, like your State of Minnesota, was not selected to receive funds from either the first two rounds of Race to the Top. Can you tell us about any reforms at your schools and others you may be aware of that have made plans or plan to make in response to Race to the Top? And what are your thoughts really on the effectiveness of the program? And how will that play into our reauthorization of ESEA?

Mr. AMOROSO. Minnesota was challenged in their Race to the Top application because we couldn't, in the state of Minnesota, gain unity between our legislature, our governor and our unions. And so, we did not even really move forward with that.

One of the challenges, you know, when you start looking at Race to the Top dollars is some states, some local areas may have more resources to be able to put grants of those nature together. It was

a very, very complicated process. And, in my opinion, you begin to create winners and losers with that type of a program.

And so, what I would like to have you consider is with whatever funding you feel is appropriate to move forward with the reauthorization, that it be more of a formula-based process versus a grant process, whether it be Race to the Top, or whether it be any other type of grant program. Not all of us, whether it be a state, whether it be a particular district, will have a level playing field in applying for those grants. So I would prefer us to have the conversation about formula.

Mrs. BIGGERT. Some of my regional superintendents have said, well, you know, it is not about the dollars and we don't really need the dollars. But what is good about the program is some of the ideas and innovations that Race to the Top. Now, it is hard for us to really know because we really never had any input or really knew prior to these schools competing for it that what was in there. And it is kind of hard for us to see what goes in there.

But in Illinois, some of the schools have adopted much of Race to the Top without the dollars. Is there anybody that is using Race to the Top? You? No?

Well, I would go back then to Dr. Amoroso. Have you used any of the suggestions from Race to the Top in your curriculum? I am not talking about dollars now. I am talking about what is actually suggested, the data, the—

Mr. AMOROSO. Sure. We believe, over the last 10 years, we have done an excellent job of raising the achievement levels of our students. And we have the data to support that. We have a strategic vision within our school system. That is our roadmap.

And truly, we talk about serving each child. One of the things we did was created, you know, the utilization of the math test that I talked about earlier. We have engaged in the process of creating professional learning communities within our staff so that we have those conversations on a regular basis about children and how to best serve children.

Within the state of Minnesota, the conversations are now being held about certification of staff, about evaluation of staff, evaluation of principals, as some of my colleagues said. That is something that we have to look at is to make sure that every professional that works with that child is top rate because, as some of the Congresspersons have mentioned, children have one opportunity.

Mrs. BIGGERT. Right. Okay.

Mr. AMOROSO. And we need to move forward.

Mrs. BIGGERT. Thank you.

And, Dr. Barresi, it seems like what we heard most about No Child Left Behind was the fact that it was just based on pure, basic skills, math and reading and that we really have not really had the quality and the comprehensive curriculum that our kids need to compete in the global world. All these other schools, particularly math and science, our kids are way behind. We number, what 24th or 28th in the school system, which is really challenging for us.

And I have heard, you know, that teachers regret not—when they have a teachable moment and they are not able to do that. They are focusing basically on the test, which I am sure we will change and certainly, needs to be done.

What about the curriculum? Do you see that there is going to be a change in that? Is that being worked on?

Chairman KLINE. I hate to interrupt, but the gentlelady's time has expired.

If we could get that answer for the record.

Ms. HIRONO?

Ms. HIRONO. Thank you, Mr. Chairman.

As we develop a consensus around some of the changes that we should be making to the reauthorization of ESEA, I do think that there is a growing consensus around the proposition that ESEA should also reflect support for the importance of quality early education. And I hope that this panel of educators join other panels of educators who also agree that this is evidence-based reform that should be reflected in reauthorization. So if anybody doesn't agree with the importance of quality early education, raise your hand. Okay, great.

I was particularly interested, Dr. Amoroso, in your own school district because I note that you were among those superintendents, 27, past and present superintendents in Minnesota who signed the Minnesota challenge, or Minnesota promise, I should say. And in that promise, there are eight traits that characterize a world-class education system. And one of those elements, I think, is universal Pre-K. How are you doing in Minnesota in providing universal Pre-K opportunities for your kids?

Mr. AMOROSO. Thank you. I was honored to be one of the 27 superintendents that was actually selected to be one of the founding writers of that document. And it was a very challenging process, but we thought we came up with a product that was a blueprint, possibly, to be used, not only within our state, but throughout the nation.

In Minnesota, the conversation has been around, not only Pre-K, but K. Do we fund all-day kindergarten? Because right now, all-day kindergarten is not funded within our state. And so, by example, in the Lakeville area public schools, we offer an all-day kindergarten program, but it is at a cost of about \$3,100 to the parent.

We have an outstanding early childhood program and an early childhood special education program. We have families that move to the Lakeville area public schools for our early childhood programming because we see the value and the research and data, as you have mentioned, is very clear.

A child that walks into your system ready to learn in the long-run is going to achieve more academic success and from a financial perspective, will actually be a less costly child, if that is an appropriate term. So we value that quite a bit.

Ms. HIRONO. So the federal role in this, I would say, as we look at reauthorizing ESEA, would you welcome support for incentivizing states, for example, to move ahead with providing quality early education such as supporting the early learning challenge fund, which is something that the president has put forward?

Mr. AMOROSO. Governor Dayton, who is our governor in Minnesota—one of his main points of his platform on education is early childhood education. And so, personally I would entertain that conversation of funding for early childhood education. But I would need to have a better understanding of the broader impact. Be-

cause if we have funding here, does that mean something else within our educational arena is not funded? And so, while I—

Ms. HIRONO. Well, that is not what I am talking about. Yes, we need to add to and not, you know, supplant.

Mr. AMOROSO. That is a great conversation.

Ms. HIRONO. Supplement, not supplant. So I think we are developing a consensus here.

I did have a question for Dr. Grier because we are looking at—I am looking at models for how to turn around low-performing schools. And I note your Apollo 20 initiative. And I was interested to know do you have any external community partners in the Apollo 20 initiative. How did you get them there? How is that working? And were there any particular challenges in getting all these people to the table?

Mr. GRIER. Yes, we have a number of partners. I have already talked about Ed Labs at Harvard University that is partnering with us around the implementation of these tenets. The New Teacher Project out of New York is working with us in terms of teacher selection, the Haberman Foundation—Dr. Martin Haberman's work at the University of Wisconsin at Milwaukee.

We also had a lot of support from the philanthropic and business community. We are going to raise—our goal is to raise about \$10 million from private sources over the next 3 years because, frankly, it costs more to add an hour to the school day and 2 weeks to the school year and to hire all these additional tutors.

Ms. HIRONO. So is that working? I notice that you are going to expand to other schools.

Mr. GRIER. Of course, we aren't ready to declare victory yet. But we have decreased out-of-school suspensions in these nine secondary schools by over 30 percent. Our attendance is up in all of these schools. Our measures of student success in terms of formative assessment during the year has shown an increase between 36 and 46 percentage points.

And the math tutoring—we really believe we are onto something. We will know more when our end-of-course test results come back. But we are very optimistic.

Ms. HIRONO. Do you think yours is a model that other states seeking to turn around low-performing schools could look to?

Mr. GRIER. We are already seeing other districts around the country. Denver has been to Houston and looked at what we are doing there. They are starting their version of Apollo schools there this month.

When we began looking at turning around these schools, we did not find the model in the entire country. And we talked to our friends in the charter world about coming and helping us with these failing schools. They said, we don't do failing schools. We will start from scratch.

But trying to go into a school that has been failing—some of these were the worst performing schools in Texas and some of the worst performing schools in the country. And now for me to sit here really two-thirds of the way through a school year and tell you that 100 percent of these seniors have been accepted into a 2-or 4-year college, we think, is phenomenal.

Chairman KLINE. Thank you.

Ms. HIRONO. Thank you.

Chairman KLINE. The gentlelady's time has expired.

Dr. DesJarlais?

Mr. DESJARLAIS. Thank you, Mr. Chairman.

And thank you so much to our witnesses today. I really appreciate your insight and bringing innovative, new ideas on how to solve our education problems. It would appear to me that after listening to all your testimonies, the biggest impediment or roadblock to your success is the Federal Government.

And it kind of shocked me when my colleague asked you the question on flexibility and basically offered to hand you the checkbook, which, by Washington's standards, that would be called being thrown a softball. I would expect you would all have knocked that one right out of the park. Maybe you were just stunned by the question.

Dr. BARRESI, you didn't get a chance to answer that question. I know you wanted to. I have an idea where this ball is going.

Ms. BARRESI. We would very much welcome the opportunity to decide for ourselves how these dollar bills are spent. And I think it would allow us to focus on the individual child instead of focusing on funding the program or funding the school. We have got to get back to funding the student and having the money, follow the child into the classroom. With that increased flexibility, we can definitely do that.

With that increased flexibility, we can focus on professional development for teachers, something that is very important, on reading programs that will help our students move forward, on early childhood programs and expanding those. We have a nationally recognized early childhood program in Oklahoma. Definitely, the lessons we have learned from that need to be expanded.

Mr. DESJARLAIS. Okay. Thank you.

Dr. AMOROSO, do you feel that innovative learning is compromised by the standardized testing you were talking about? In other words, do you feel that your teachers feel obligated to teach to the test?

Mr. AMOROSO. I can guarantee you, sir, that as we approach our testing window in spring, anxieties go up within our system. And it is because our teachers are so passionate about working with their children that they want to make sure that their children are prepared. To me, that need not be our focus.

Our focus need not be on getting our children prepared for an assessment that will be a one snapshot in time that will determine if a school is classified as either making or not making AYP. So to remove that, in my opinion, would be a positive thing. It helps change the culture of the organization. As I mentioned earlier, I am not eliminating accountability.

I am, you know, proposing the accountability structure that we use where we do have assessments that identify where our children are achieving at, identify growth targets, identify if they have made that target. And it is real-time data that can be used to inform instruction.

Mr. DESJARLAIS. Okay. Thank you.

Dr. MAQUBELA, I liked your approach to teaching. What would be your opinion on countries other than the United States that seem

to be outperforming us? Are their students, teachers and systems that much better? Or do they simply work harder?

Mr. MAQUBELA. Again, I think it goes back to the point that I raised about our focus being on addressing the lowest standard as opposed to truly achieving to the highest standard. When we look around the world, we see countries in far more dire financial straits than ours that are having success.

I was lucky enough—we have a partnership with a school in South Africa. And while we were there, we met a student from Namibia who literally his family couldn't afford the \$30 a year to spend for his annual school fees. However, the love and the thirst for education required him to walk 10 miles a day each way to another district so that he could attend school while living with his uncle.

That kind of passion, that kind of forward-thinking is not something that is foreign here. It is something that was at the foundation of this country's success many years ago. We need to get back to that.

But part of that was driving our students, driving our teachers and driving our classrooms to be successful, and not just the elite, not just a small percentage, but across the board. We demand that all of our students attain a minimum level of success. We realize that they come with different tools.

In order to achieve that, though, you have to have the properly skilled adults in the building being led by the proper administrators that truly believe in our kids' success. And unfortunately, there are too many people that believe because of the circumstances that so many of our kids are living in, as dire as they are, limit their opportunity for greatness.

Mr. DESJARLAIS. All right. Thank you.

And just quickly, I want to again applaud your efforts here because as we move forward reforming education, it is so important that we hear from people like you, that we hear from teachers. When we were on the campaign trail talking about health care reform, some of us physicians felt like the physicians were not heard. And I often said that reforming a health care without asking physicians would be like reforming education and not asking teachers. So thank you so much for your input.

And I yield back.

Chairman KLINE. Thank the gentleman.

Mrs. Davis?

Mrs. DAVIS. Thank you, Mr. Chairman.

Thank you all for being here.

Dr. GRIER, it is very nice to see you.

I think you have all mentioned one of the key ingredients, which is a good evaluation system. And I would hope that we are talking about not just for teachers, of course, but for effective principals and instructional leaders as well.

The other piece of this—and I know, Dr. Grier, the data-driven accountability system is part of the Apollo programs. Can you be as specific as possible with this? There are elements—and I think that you just mentioned that. I mean, people who really believe in their kids and how that translates to the entire culture of the school.



How does this data-driven activity help us to do this evaluation in a way that is meaningful and that stakeholders are involved? How can we at the federal level direct that kind of activity? Or, you know, can we? How do you do that moving through the states, if you will, to make that happen in such a way that we really, in some ways, relieve the local jurisdictions of having to direct it in a way that perhaps finds a lot of resistance?

And anybody want to tackle that?

Ms. BARRESI. In Oklahoma, as we look to expand and develop our student data system, we don't want to just create a system that produces some great numbers that are used. The next step is, the most important step is, is to actually train educators, train their principals and their superintendents on how to use that data to drive decisions within the classroom and to make critical decisions about policy and about resource development within schools.

I had a superintendent just a month ago that called me and said he is watching the culture in his district completely change because he is focusing on working on just that element with his educators. He said they are becoming excited by what they are seeing. They are able to see gaps in learning and make plans on how to fill in those gaps.

He said he feels more effective at using resources within his district. Very excited about it.

Mrs. DAVIS. Thank you. And remembering that we have a difficulty among all of our school districts now in terms of resources.

Dr. Grier?

Mr. GRIER. Yes, one of the biggest challenges, I think, that faces the country in terms of education reform is this whole issue of data management. There just simply are not systems out there. We have 202,000 students.

And being able to do soft assessments of students' work every 2 to 3 weeks and give teachers immediate feedback on how the kids did, which objectives were mastered and where they need to go back and reteach is just not out there.

And many of the companies that are developing the systems, they know the market. But I promise you, it is not there yet. And there is a lot of states trying to get there. But there is a big, big gap between being able to manage that data in a meaningful way so that teachers don't feel that you have just piled something else extra on their plate.

Mrs. DAVIS. But I think we also see that that is used as a bit of an excuse as well, that we don't have that management system.

Mr. GRIER. That is true.

Mrs. DAVIS. And therefore, you know, how can we possibly get underway with the system?

Mr. GRIER. Well, I know in Houston, our new principal evaluation and our new teacher evaluation instruments, both of those, are heavily weighted towards outcomes, student outcomes, school performance, measures of success.

Mrs. DAVIS. Mr. Maqubela?

Mr. MAQUBELA. Congresswoman Davis, the model that we have where we are linked with a major research university speaks just to this. In addition to being a math/science school, we are very immersed in technology. We have instead of a one-to-one student to

computer ratio, we have a one-to-two where our students have computers in the home as well as in the classroom. And the primary reason for that is because we have a program designed to effectively use data.

Unfortunately, using data to inform instruction has become one of those catch phrases just like differentiated instruction, where we—there. And as Dr. Grier says, there are a lot of vendors that take advantage of that and throw—

Mrs. DAVIS. Can I interrupt you just really quickly? If you could, just tell—within this federal legislation and authorization, what would you like to see in this area?

Mr. MAQUBELA. Sure. What I would like to see is that we actually come together and we look at what works. And so, as opposed to just saying use data-driven instruction, well, look at schools like ours that have this partnership with the university that have the research base and the intellectual know-how along with the practice so we are able to put forward best practices and then develop national standards based on those best practices.

Mr. GRIER. I want to be able to use Title I funds to help me with data collection and to develop a data collection system. And right now, we are not able to do that.

Mrs. DAVIS. Okay. Thank you.

Chairman KLINE. Thank you. The gentlelady's time has expired.

I am going to stress the system here. We are going to go for two more questions, and then we will be breaking to vote.

Dr. Roe?

Mr. ROE. Thank you, Mr. Chairman.

And first of all, say hello to our friend, Mary Fallon, in Oklahoma.

And I want to commend the panel. You have been fantastic. I have cleared a lot of focus up for me like focusing a camera. And I have heard over and over flexibility.

Dr. Grier mentions mandates, one of the sore spots I have, mandates with no money, which is usually how it comes, and accountability. I have never heard a teacher that I have talked to ever say they didn't want to be held accountable. They do. And they want to do a good job. I have never heard that.

Our kids today now are competing, now with the county next door or whatever. They are competing around the world. And when I talk to them, I say, look, when you are competing here in Carter County, Tennessee, where I—basically, where I am from, you are not competing with kids there.

You are competing with a child in China or India. So you have to have the skills to be able to do that. It no longer works just having the skills to compete for a factory job down the street that is gone. And what I have heard—the solutions—and I guess what I heard was when you use a GPS system, it will show you three or four ways to get where you want to go. But you end up where you want to go.

And what I have heard today is is that you need flexibility. Four very different school systems and four very different ways to do things, and yet, we are—I think we are hindering you from doing your job here. Fifty-six percent of the funds, I think, Dr. Grier said,

were encumbered. He couldn't do anything with them. I got the message loud and clear.

And I think I am hearing what the teachers are telling me—is that they are swamped with paperwork, is get all that out of the way and let us do our job.

And, Dr. Barresi, you made the point—and I make it all the time—is that where is all this money going. Is it stopping right here at the top? Or is it getting into classrooms of those kids where it needs to be? That is where the money needs to be, is not out here with the bureaucracy, but in the classroom.

And this is why we have to change right here. And then I have got one other question.

Recent reports in the National Association of Education Progress show that reading and math scores in fourth and eighth grades have stagnated since the passage of NCLB, calling into question the reforms that states have been required to implement under the law.

In addition, the long-term trend assessments taken in 2008 have showed the average reading scores of 17-year-olds not significantly different from 1971 and the average mathematic scores of 17-year-olds not significantly different from 1973.

We can't keep doing the same thing. We have to do something different. And I think what we do is we let you guys do your job.

And, Mr. Maqubela, in your testimony, you talked about the importance of that flexibility provided you in your school. Should states and school districts be provided the same flexibility just in a traditional public school where I went to school?

Mr. MAQUBELA. In short, certainly. Again, there is nobody who knows better how to best serve the students in my building than the adults in my building because we have shown and proven that we know our families, our students and their needs best.

What needs to be done and the role that the Federal Government can play and in related to the states' government is a mandate that says, okay, we realize that every school isn't indicative of those that are represented by the administrators here. How do we develop a tool in order to determine what is effective and what isn't?

Some folks are fine. They don't need any more support. Give me the money directly. And we have already demonstrated what we can do with it.

Can I say the same about the school next door or the school district next door? Absolutely, not. But what we show is that there are hundreds, and if not thousands, of public schools throughout this country—and I know because I have visited many of them. I have worked with principals from these schools—that are stagnating because they are stars, but they are strapped with the same restrictions.

A perfect example—there is a school in the Bronx, New York that went in one of the poorest school districts in the South Bronx but had an innovative leader who went outside of the box and had folks onboard ready, corporations, JPMorgan, Chase, to name a few, that were ready to invest and revamp the school. It took him years to get out of the administrative red tape to be able to turn that around and create a stellar school.

Mr. ROE. Well, how do we—and now, I do not have much time. We have got to go vote. But how do we do that? I think we have to get the money back down to the—where the boots are on the ground to allow you all to do that. I have heard that from a huge school system like Houston, Texas to a smaller one.

Dr. Amoroso's about the same size of the one I live in. And I believe that is what we have to do to make this work because what we are doing isn't working. So we have to change.

Mr. AMOROSO. Right. Right. Again, for those schools and school districts that have demonstrated over a period of time that they can be successful, remove the burdens at the national level so that they can be able to do their thing free of the hindrances.

Mr. ROE. Okay.

Any other comments on that?

Ms. BARRESI. Congressman Roe—and I was remiss in the beginning. Governor Fallon asked me to send her regards to the chairman and to the committee as well.

I am also at the unique position of being the founder of two charter schools in the State of Oklahoma as well as being state superintendent now. And I think it is important we take the lessons that we have learned from charter schools and apply that throughout the State of Oklahoma, and for that matter, the nation.

And that is that when the requirements and the bureaucracy are lifted off from the front end and you are allowed to innovate, that the accountability is very strong on the back end. In other words, if a charter school doesn't perform, they are out of business. That drives decision making in a most profound way.

That drives decision making on budgeting. The money does get to the child within the classroom. And I think that is exactly what you are talking about.

Mr. ROE. Thank you.

Chairman KLINE. Thank you.

Mr. ROE. I yield back. Great panel.

Chairman KLINE. Mr. Kildee?

Mr. KILDEE. Dr. Maqubela, in your school, the percentage of sub-groups, say the disabilities sub-group or the ELL sub-group, how do they parallel the percentage of the numbers in those sub-groups in your general service area? In other words, are you attracting members of that sub-group in a sufficient number comparable to the general area?

Mr. MAQUBELA. Certainly. One of the things that we as a charter school is we are mandated to be non-selective. So all of our students come to us via lottery. And there is a great deal of legislation that—and rules in place to mandate that we publicly advertise and that we are reaching out to all the communities where students are that we serve. And so, what we find is that our kids come to us across the board.

That percentage changes every year because we are non-selective. One year we may have a special education population that is 20 percent. And it may vary.

But what we do see is a representation, which is similar to that which the public school district that we are in also serves. So we have a nearly equally high number of students that are from households below the poverty line as well as those that—in addi-

tion to being socially and economically disadvantaged, are students with various disabilities that we have to serve as well.

Mr. KILDEE. In 2010, you had 0 ELL students and 11 students with disabilities. Is that pretty well what you would find in the general service area around your—

Mr. MAQUBELA. Well, what we find is that within our service area, particularly with the ELL students, they are particular to specific neighborhoods. So when we look at our neighborhood where our school is located, that is very indicative.

The other thing that we have is that our immigrant population and the students that we are serving in that population are changing from year to year. So we are getting less first generation and more second generation. So these are individuals that are coming from households where the parents are non-English speaking, but the students themselves are English speaking.

Mr. KILDEE. I may pursue this with you by letter to get how it is done over, say, a period of 5 years, how you do attract those sub-groups.

Mr. MAQUBELA. Yes, definitely.

Mr. KILDEE. There are certain schools—I am not saying yours—where there is a certain deficiency in number of those sub-groups.

Mr. MAQUBELA. Yes. And that is one of the things that we look at. Another area in which comes up with that is—that charter schools take a hit—is as far as student retention. And one of the things that we are very proud of—again, even though we have over two-thirds of our students that are coming to us woefully below grade level, we are not looking 3 years later to eighth grade and out of 100-student class or 120-student class only seeing 50 students there.

We have very, very little student attrition. So we are showing that those high numbers we are seeing in the eighth grade are with the same students that came to us with such low-performing numbers in the sixth grade.

Mr. KILDEE. And, Chairman—(Off mike.).

Chairman KLINE. I thank the gentleman. And he draws attention to the fact that the clock is indeed winding down. We are going to go vote. We will be back after what I believe is a series of three votes. The committee is in recess.

[Recess.]

Chairman KLINE. The committee will reconvene. I have got to make a short clarifying statement here.

It is amazing how these things occur. Before we had even walked off the floor, there was a press report that I had indicated we were going to reauthorize No Child Left Behind immediately after the Easter break. What I thought that I had indicated was that we hope to take up the first in what will be a series of pieces of legislation next month to start to address these very issues that we are talking about here.

While members are coming back, I would like to resume questioning at this time with Mr. Scott.

You are recognized.

Mr. SCOTT. Thank you, Mr. Chairman.

I thank all the witnesses for your testimony. One of the problems with flexibility is, as the witnesses have indicated, a lot of school

divisions can do a lot better if they had the flexibility and none of the national standards. The problem is a lot will do worse.

Detroit was debating—I don't think they are going to actually do it. But they were debating having class sizes of 60. You know, you would want a national standard on that. That may or may not be a good idea for everybody. But without the national standard, some will do a lot worse.

Now, Mrs. Barresi, you indicated that the elimination of AYP as a standard—how would we know if schools are actually functioning if you don't have a measure that they have to come up to?

Ms. BARRESI. AYP just recognizes a certain performance level. And it also penalizes a school if one sub-group fails in that mark. What we have to do as a country, what research has shown us and what the new knowledge economy has shown us is that we have to focus more on competencies in career-ready and college-ready requirements.

And so, that is a focus more on those skills that students need to be successful: inquiry skills, writing skills, synthesis, analysis. So where AYP focuses more on an examination of content, we must also then pivot to include that into an evaluation of these core competencies for success.

Mr. SCOTT. Well, what I am hearing is we need to better establish what AYP means, not eliminate the idea that people have to come up to a minimum standard.

Ms. BARRESI. Certainly, there needs to be accountability. There needs to be marks that these students meet. But what is measured is tested and is taught. So those measurements must reflect what we need for a child to be competent.

Mr. SCOTT. Okay.

And, Mr. Amoroso, you talked about high-stakes test. One of the problems that you have is that you can get misleading results if a student does well this time today and not well tomorrow. Depending on which day he took the test, those results may vary. And it would be unfair to stick him with the results of just one high-stakes test. Can you say a word about whether or not tests are actually valid—using tests for a purpose for which they are not validated?

Mr. AMOROSO. For which they are not validated?

Mr. SCOTT. I mean, you can have tests that are validated for one purpose, for example, for whether the school is teaching the material that the state says needs to be taught.

Mr. AMOROSO. Sure.

Mr. SCOTT. And if it is not being taught, all the students will fail.

Mr. AMOROSO. Sure.

Mr. SCOTT. To assign that score to the students wouldn't make any sense.

Mr. AMOROSO. Sure.

Mr. SCOTT. But it is valid for the purpose of determining whether the school is doing well, but not valid for the purpose for which for the student.

Mr. AMOROSO. High-stakes tests I have a problem with just in general simply because of the fact that it is a snapshot in time. It is as you said very well. It shows you what that person's performance was on that day. It doesn't take into account what was going

on in that child's world, potentially, on that day that could have impacted it.

Any test that we give, whether it be a high-stakes test or, in our case, the measurement of academic progress or something that one of our teachers does within his or her classroom, there needs to be validity to that measure that it truly is measuring what we intend it to measure. And if it is to measure what children are learning, so be it. But if it is to measure how a system is doing, that might be a different conversation then.

Mr. SCOTT. And you have also indicated that you want the tests timely so that you can use the results for instructional purposes.

Mr. AMOROSO. Correct.

Mr. SCOTT. Not just to get the bad news and do nothing about it.

Mr. AMOROSO. Absolutely.

Mr. SCOTT. All right.

Mr. AMOROSO. The assessments need to be a tool that will provide data that will help us to get a handle on where the child's achievement level is and can help guide us to how we can improve that child's achievement level.

Mr. SCOTT. And, Dr. Grier, you have talked about response to failing schools. And one of which is to fire all the teachers in one school. Have you had any response from teachers?

Because if you elect to be at a failing school, you stand the chance of getting fired. If you move to a good school, you can be a bad teacher at a good school, and you have job security. You can be a good teacher at a bad school and have your job in jeopardy, particularly when, I understand, the assessments are not all that accurate.

Mr. GRIER. There is no safe place in Houston, Texas if you are a bad teacher. Bad teachers influence children's lives forever, particularly if you have a bad teacher, 2, 3, 4 years in a row, which many students, particularly in poor inner city schools have. And we have offered incentives for teachers to teach in our low-performing schools.

We have had a grant from the Gates Foundation, and you can receive up to \$10,000 a year to teach in one of our low-performing schools if you have high-value added test scores in other schools where you have worked. So I understand your question. But I do think there are things that school districts can and should do. It is many times an issue of having the political will and courage to address those issues.

Chairman KLINE. I thank the gentleman.

Mr. Walberg?

Mr. WALBERG. Thank you, Mr. Chairman.

And thank you, all of the panel members, for being here. And I apologize for not being here for the entire time. So I hope that I don't ask questions that have already been asked. But, hey, I need to know the answers, too.

And I am thrilled—and I just came from homeland security hearing, where we were talking about issues that relate very much to what you have said, that there is no safe place in Houston for a bad teacher. What a wonderful statement.

Being a parent, having been a teacher, interested in what goes on, that is a wonderful statement. But sadly, there are some bad teachers. And I am not talking about in the K-12 system that are doing this, but that are teaching people to do things that we are concerned with in homeland security that are wrong. And we don't want to have activity that does not teach our students, that we have stewardship for, teach them well.

Mr. MAQUBELA, I was caught with your statement—and I probably paraphrase it—where you said, all of the adults, the adults in our students' lives and in our school know what is good and what is best for our students. I think that is a telling statement about the primacy on the student. And that is the outcome that we want to see here.

So let me ask you this question. And it is fairly open-ended. And I hope you take opportunity to answer it strongly as well. You discuss annual yearly progress and your school in your testimony. How do you feel that AYP standard affects your school? And how do you think the AYP measurement could be changed and/or what should be used in place of it?

Mr. MAQUBELA. Like so many of my colleagues, we realize that we are seriously hampered by this, not only one test, but one measurement to make a huge determination. As Dr. Amoroso has noted, we do multiple assessments throughout the year leading up to, for us, which is our assessment, state assessments, which is the D.C. CAS. And looking at those results, you will see a same student over those four assessments—one day, they may perform basic. Three months later, they may perform advanced.

What it is is a factor of what goes on in that particular day. So even moving beyond just this one year-end assessment, what we would like to see is a move towards, which has been discussed, a growth model. What are we doing with that child when they come into our door to the time that they leave our door?

One of the things that we are very proud of and we mentioned earlier is that even though we have a high student poverty ratio at our school, we are not one of those schools that pawns these kids off. Our kids that come into the program—overwhelmingly we have a very low student attrition rate. So we are taking those kids that are performing incredibly below grade level and following them over 3 years.

Coming to us in the sixth grade, if a student is reading literally as a beginning reader, how realistic is it to think that when they enter our school in September to when they are tested in April that in just those 7 months, we are going to go from—forget below basic—to elementary level, beginning elementary level to secondary school? It is not realistic.

But when you look at that program over a course of time, we see that those gains are possible if you stick with the program. So for us, first and foremost, we would like to see a move towards a growth model and not just looking at something in this one point in time.

Another example of that is that there are specialty schools out there that service a particular population, maybe those with special needs, those kids transitioning from the criminal justice system.



Again, many of the advantages that are available in other schools were not present in these students' lives. So to hold those schools to the same standard of what success is when they have transformed kids' lives around, isn't the same.

The other piece—and I would end it on this—is for us, even going beyond the growth model, even for those schools if we move to a growth model, that requires some form of regular annual testing. These are administratively burdensome and costly. You have to pause out of your program from the great instruction we are doing—we talk about the stem activity that we have, where we have been able to attract the interest of a company like Google to invest in us. This is valuable time that we have to put on hold during this.

What I would like to see is somewhere an allowance in the legislation that allows schools over an adequate period of time to show and prove that they are high-performing schools and then get an exception to say that you have proven to us that you can meet the measure. Now, we are not going to hold you to the same standard of dragging you through this process year after year after year just to validate what you have already proven to us.

So I think there definitely needs to be some room in the legislation to allow a carefully thought out but very important scripted measure to allow schools and high-performing school districts to have some form of exemption based on their performance.

Mr. WALBERG. Okay. Thank you.

I thank the chair.

Chairman KLINE. The gentleman's time has expired.

Mr. Tierney?

Mr. TIERNEY. Thank you, Mr. Chairman.

Thank you for the witnesses on that. You know, I was sort of amused when I was listening to Mr. McKeon talk, as we have had this discussion before, about the notion that, you know, the Federal Government ought to get out of the way. And I think last fall we heard a lot of that.

It is, you know, an entity that spends less than 10 percent of the money on elementary and secondary education has got 100 percent of the problems attributed to it. So let me ask this. Are any of you contending that there was a day when the Federal Government was out of education?

It was called the pre-1960s and 1970s before the decisions by the courts that every child deserved an education and we put in money for Title I and IDEA. Any of you contend you want to go back to that day where the federal funding just comes out and you believe that every state and local community will put up the money necessary, raise the taxes to do it and educate every child, including disadvantaged children and children with disabilities? Anybody making that case?

Mr. GRIER. No, and I am not that old. But I was in education back in those days. And I can remember being in school when there were no special education students in school. There were special education students in my neighborhood, and parents kept them at home.

I think that there is—as I said earlier, there has to be a balance between federal accountability and flexibility. I want to make sure that all children get the education that they deserve.

Mr. TIERNEY. And I think that is exactly what we are talking about here.

Mr. GRIER. Yes.

Mr. TIERNEY. But I wanted to make that point because we just heard so much about it last time as the only—if you want the Federal Government out, then they surely can get out. But then you have got the issue of dealing with it yourself and understanding that everybody has got to raise the taxes and do the job necessary. And we haven't seen that history.

But that brings me to another point on that.

Dr. BARRESI, you mentioned the federal restrictions with supplement, not supplant. And you said that they have prevented you from pursuing state initiatives. Can you tell me a little bit more about how your initiatives have been prevented with that notion?

Ms. BARRESI. Well, we are running into that requirement quite a bit, particularly as our state faces some overwhelming financial challenges within our state. And if that were lifted, if we were allowed increased opportunities to further programs that are losing funding because of lack of state dollars to be able to use federal dollars, particularly in Title I money, more flexibility in that area, that could allow us to be quite more—

Mr. TIERNEY. That puzzles me enormously. So you would expect the people at the federal level, all right, to tell their taxpayers that they are going to put money down because the people at your local level just don't want to tax people to pay for what you think is essential?

And so, I told you—and, Dr. Grier, you mentioned that, in your statement, that the education stabilization fund, which had few federal requirements attributed to anything, led to a number of states cutting their own state funding even further than necessary and simply replacing it with federal money. Isn't that a path down to eventually hurting us in terms of accomplishing what we want to do and raising all the standards and the quality on that?

Mr. GRIER. We think so.

Mr. TIERNEY. Yes.

I mean, I just don't get it, Dr. Barresi, about how—I mean, it is nice to not have to take responsibility. And it is nice to have somebody else pick up the tab. But what you really, we suspect, want to do is get your local people to keep partnering with the Federal Government and everybody take the responsibility and assess priorities and determine what is important in your community.

Ms. BARRESI. I think what we are talking about is the opportunity to have more flexibility to target those dollar bills at areas where they can be most effective for students such as innovative learning—

Mr. TIERNEY. Well, I am not sure that is what you said. I mean, supplement, not supplant is not a question of inflexibility. It is a question of taking the federal money and running away with the state money on that.

And the other thing on that, under the current law, we have a considerable amount of transferability that is allowed on that. And

in the law, I see that of the 14,000 total education agencies, only 1,700 use the right to transfer funds. So it seems to me that a lot of LEAs aren't even using the flexibility process that is already in the statute.

Ms. BARRESI. That question was raised for Secretary Duncan last week at our meeting for the Council of Chief State School Officers and whether it is clear intentioned and desire on his part and at the upper tiers at the U.S. Department of Education. What happens is that when you get into program auditing and the requirements of programs, much of that flexibility is gone away. He has great intention on doing that, but what has actually come out in practice is somewhat restricted.

Mr. TIERNEY. Okay.

Dr. GRIER, you mentioned that you envision a system of uniform professional development. I would like you to talk a little bit about more on that, if you would.

Mr. GRIER. The professional development that we believe needs to be delivered at the school level—and it doesn't need to be a one-size-fits-all. We have teachers in all of our schools in Houston who have different ability levels and versus coming in and requiring all teachers in a school to sit through the same staff development. Or the same training when you have a teacher sitting there, quite frankly, who could be conducting the training makes no sense to us.

But it needs to be a system of training. I happen to believe that we need to have more training that is 35 to 45 hours in length where you train the teacher. They then can go practice what they were taught. You give them feedback, then you do training, practice, feedback. It is more of a business, more of a military model of staff development than what we have traditionally done in education where we have had drive-throughs and half-day training sessions or one-day training sessions.

I don't believe you can change adult behavior. I know my golf game doesn't get much better when I just go out and hit a few practice balls, I can tell you that.

Mr. TIERNEY. Thank you.

I yield back.

Chairman KLINE. I was going to say—I thank the gentleman.

My golf game doesn't get any better whether it is 3 hours or 3 weeks.

Mr. Kelly?

Mr. KELLY. Thank you, Mr. Chairman.

And I do appreciate you all being here. And this is a difficult thing because I come from the private sector, private business. And I always like to think you can only spend a dollar once. Once it is gone, it is gone. And right now, we are facing just unsustainable amounts of money that we are spending. And we are trying to figure out what is the best return on our investment.

Because whether we want to address it as a business or not, education is a business. And so, certainly, if we were to look what we are spending per student, we should have absolutely scores that go off the chart. And we don't.

In my business, we have what they call 20 groups, where 20 dealers get together. They share each other's financial information.

They use common data on common forms to come up with solutions to common problems.

So I would wonder from each of you because the sense that I get is that too often you have got a government who gets involved and tells you what it is that you have to do and makes it so rigid that to get there, to get through—jump through all those hoops and dot all the i's and cross all the t's, at the end of the day, you say, you know what, it costs me too much to do that for the little bit I am getting.

And then the other part, of course, is if you have never done it, how do you tell people how to do it. So I would like to know do you have the ability to actually talk with each other, share common data and do the common analysis and come up with best practices that fit your school, based on what you see from around the country or from other districts.

Ms. BARRESI. Certainly, I see the national conversation very much so going in that direction. As our data systems continue to mature and improve, it is very important that we have the ability to, not just show results, but show that in relationship to the dollar bills that are spent for a particular program.

So would \$500 a student for a reading program be more effective or less effective than \$2,000 per student spent on a program? We have to be able to equate then the results that we get for the dollar bills that are expended and then share those best practices, not only in our state, but across the country. I agree with you that data is very important and that we become more sophisticated in how we use that.

Mr. AMOROSO. We are beginning to see more conversations regionally about the very topic that you bring up. I think in the past, districts were fairly isolated and you worried about what you were doing because that was all the time you had, you know, to do those types of things.

But now we are seeing consortiums that are starting to get together, look at best practice and instead of one district trying to do an innovation, which could be viewed within their community as taking a risk with their children, you are seeing consortiums of districts getting together and each group taking a different aspect of an innovation, working it through. But then it is more of a collaborative effort.

And then you bring the data together to see what is really working. And then you determine can you take that innovation or that process and begin to expand it outward so that it is not one district being viewed as experimenting with children, which, quite frankly, our parents would not like if they felt we were experimenting with their children. But it is taking best practice. It is taking the latest research and trying to improve upon the educational experience of their children.

Mr. MAQUBELA. Congressman, I believe in taking it one step even further. You know? We note that in the global world that we live in, our kids are not just competing with their next-door neighbors or even their peer group across the country. We are competing internationally and globally. So we follow that.

Best practices, of course. It is common sense. It works in all businesses, and it has worked for years.

Two weeks ago, we were visited by Michael Gove, who is the state secretary of education for the United Kingdom. He came to our school, spent about half the day with us. And it wasn't just a show and tell. It was a true sharing and exchanging of ideas of what works here, what works there, what are the things that we can incorporate that he is including, not just in England, but throughout the Caribbean and other areas where his reach touches.

Additionally, we are involved in partnerships, and we take advantage—you know, one of the areas we talk about savings, there are so many ways we can use modern technology to hit on just this very thing. Our school is part of an international consortium of schools that started with Phillips Academy in Andover, Massachusetts with two schools from Shanghai, a school from Beijing, two schools from South Africa and a couple schools from Ghana to work together along this same line.

When we have a—our first conference is next month. But when we go home to our respective countries, all we have to do is sit at our computer and Skype each other. We have an international learning community that we are able to build upon because those are the people that our kids are truly competing with.

Mr. GRIER. I want to take just a little different view of this than my colleagues. I don't think it happens in education much. And in many cases, I don't think it happens at all. I think it is a good model that perhaps business has done better than we and maybe even charters.

But I know even in my own school district, we do not have enough of sharing of best practices. That is something we have worked very hard on this year, but we are a long way from being where I think you are in terms of what you described.

And I would say to you I think that is the same thing in public education across the country. We go to maybe one or two national conferences where some best practices are shared. But with the limited budgets, we don't have a lot of people traveling. And we have got to do a better job with that in public education.

Chairman KLINE. Thank you.

The gentleman's time is expired.

Dr. Bucshon?

Mr. BUCSHON. Thank you, Mr. Chairman.

Getting the Federal Government out of the way, in my view, means allowing local school districts to utilize their federal dollars in the best way they determine that will effectively educate their students in their community and not have a one-size-fits-all—excuse me—government approach, which is very restrictive and which stovepipes federal funding into categories that allow inflexibility in the utilization of federal funds.

And so, from my viewpoint, that is what we mean by getting the Federal Government out of the way. I think most people would not argue completely removing the Federal Government's role, but certainly, lessening it and allowing more flexibility.

I have four children. And one of the things that I feel fortunate to have is the ability to, as a parent, to, not only promote education in this committee, but to understand that, in my view, one of the biggest problems we have in America is with children who don't

have parents like myself, or maybe you all, that think education is important.

And the ones that do that are stuck in situations where their opportunities for their children may be more limited than my children have in our community, I believe that we need to have viable options for parents to make the decision to educate their children, giving them the best opportunity to succeed as possible.

In that vein, I want to talk briefly about Florida's McKay scholarship program related to disabled students in Florida having access to a voucher program that allows them to attend whatever schools that their parents think would best benefit them, and to point out that this study is the first really empirical evaluation of the impact exposure of a voucher program on the public schools that surround that community.

And what this study shows is actually the students who remain in public school with the same disability criteria as those that left to go to the surrounding private schools actually improved also in their educational testing standards and that those are with the mild disabilities.

Those with severe disabilities there was actually no change at all between the students remaining in public school and remaining—and going to the private school. So this has been one of the biggest—one of the biggest debates over the last 20 years about the effect of allowing parental choice for students in disadvantaged environments to make the choice to improve the quality of life of their child by allowing them another opportunity.

So what I would like to hear comments, first from Dr. Barresi—and good to see you again—about your views on parental—what I would call parental choice programs such as the McKay scholarship program. And do we feel, actually, there is any data to support the fact that this will limit the functioning of the public school system in our country, which, by the way, is the foundation of why we have such a great country, the establishment of a solid public school system? Thank you.

Ms. BARRESI. Appreciate your question. As you may or may not know, I am the founder of two charter schools in the State of Oklahoma. So obviously, I am a big believer that parents should determine—they should have the first choice on where their child attends school.

And to that fact, I am proud of the fact that we are expanding opportunities for students in education choice within the state, not only in charter schools. But I am proud to say our legislature passed a bill in its last session to provide what is called—it is called the Lindsey Nicole Henry bill. And this is an opportunity scholarship for handicapped children to where their parents can get up to 95 percent of the state dollars and utilize those in a private school setting for their child.

Now, my colleagues may disagree with me or not. And because public school, traditional public school advocates say this is diluting dollars for children. In my estimation, this is the dollars following the child to the classroom, whether that classroom is in a private setting or in a traditional public school setting or in a charter school or any other setting that a particular state has.

I think it is important that we allow that to continue to happen. I think it does incentivize innovation within the general population. There is nothing like competition and accountability to move that forward.

Mr. BUCSHON. Thank you.

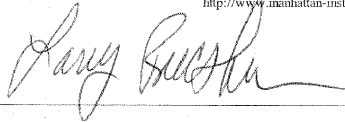
I would just like consent to submit the McKay scholarship program study into the record.

[The information follows:]

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## The Effect of Special Education Vouchers on Public School Achievement: Evidence From Florida's McKay Scholarship Program

by Jay P. Greene and Marcus A. Winters

### Executive Summary

This paper evaluates the impact of exposure to a voucher program for disabled students in Florida on the academic performance of disabled students who remain in the public school system. The authors utilize student-level data on the universe of public school students in the state of Florida from 2000-01 through 2004-05 to study the effect of the largest school voucher program in the United States, the McKay Scholarship Program for Students with Disabilities (McKay), on achievement in math and reading by students who have been diagnosed as disabled and remain in the public school system.

This paper is the first empirical evaluation of the impact of exposure to a voucher program designed to allow students with disabilities to enroll in schools other than their local public schools on the achievement of disabled students who remain in their local public schools. Vouchers for disabled students are the fastest-growing type in the United States. Programs similar to McKay are currently operating in Ohio, Georgia, and Utah and have been recently considered by other states.

Highlights of the study include:

- Public school students with relatively mild disabilities made statistically significant test score improvements in both math and reading as more nearby private schools began participation in the McKay program. That is, contrary to the hypothesis that school choice harms students who remain in public schools, this study finds that students eligible for vouchers who remained in the public schools made greater academic improvements as their school choices increased.
- Disabled public school students' largest gains as exposure to McKay increased were made by those diagnosed as having the mildest learning disabilities. The largest category of students enjoying the greatest gains, known as Specific Learning Disability, accounts for 61.2% of disabled students and 8.5% of all students in Florida.
- The academic proficiency of students diagnosed with relatively severe disabilities was neither helped nor harmed by increased exposure to the McKay program.

### About the Authors

**JAY P. GREENE**, is endowed chair and head of the Department of Education Reform at the University of Arkansas and a senior fellow at the Manhattan Institute. He conducts research and writes about topics such as school choice, high school graduation rates, accountability, and special education.

Dr. Greene's research was cited four times in the Supreme Court's opinions in the landmark *Zelman v. Simmons-Harris* case on school vouchers. His articles have appeared in policy journals such as *The Public Interest*, *City Journal*, and *Education Next*; in academic journals such as *The Georgetown Public Policy Review*, *Education and Urban Society*, and *The British Journal of Political Science*; as well as in newspapers such as the *Wall Street Journal* and the *Washington Post*. He is the author of *Education Myths* (Rowman & Littlefield, 2005).

Dr. Greene has been a professor of government at the University of Texas at Austin and the University of Houston. He received a B.A. in history from Tufts University in 1988 and a Ph.D. from the Department of Government at Harvard University in 1995. He lives with his wife and three children in Fayetteville, Arkansas.

**MARCUS A. WINTERS** is a senior fellow at the Manhattan Institute. He has performed several studies on a variety of education policy issues including high-stakes testing, performance-pay for teachers, and the effects of vouchers on the public school system. His research has been published in the journals *Education Finance and Policy*, *Teachers College Record*, and *Education Next*. His op-ed articles have appeared in numerous newspapers, including the *Wall Street Journal*, *Washington Post*, and *USA Today*. He received his B.A. in political science from Ohio University in 2002, and an M.A. in economics from the University of Arkansas in 2006. He is currently a Ph.D. candidate in the Department of Economics at the University of Arkansas and is expected to complete in the spring of 2008. He resides in Manhattan.

## 1. Introduction

School-choice policies have played an important role in the education policy debate over the last two decades. Currently, 21 school-voucher programs in 14 states provide taxpayer-funded scholarships to attend a private school (Enlow 2008). More than half of all states currently allow students to enroll in government-funded charter schools that operate outside of many of the rules and regulations of the public school system and do not have mandated catchment zones that determine who may enroll in them.

Over the last few years, voucher programs for students with disabilities have been among the fastest-growing choice policies. In 1998, Florida's McKay Scholarship Program for Students with Disabilities (McKay) became the first of its kind to offer generous taxpayer-funded vouchers that students identified as disabled can use to attend a private school or a public school other than their local one. From the time it was first implemented statewide, in 2000–01, to the 2006–07 school year, McKay has grown from serving 970 students in 100 private schools to serving 18,273 students in 811 private schools, making it the largest school-choice program in the United States.

Other states have recently followed Florida's lead by offering voucher programs similar to McKay for disabled students. Special-education voucher programs are currently operating in Ohio, Utah, Georgia, and Arizona. According to the Alliance for School Choice, bills to implement or expand a special-education voucher program have also passed one or both houses of the Nevada, Wisconsin, and Virginia legislatures.

The substantial growth of school-choice policies in the United States has created great demand for research evaluating the impact of these programs. Though we are interested in the impact of choice programs on those students who use them, it may be more important that we understand the effect of these policies on those students who remain in the public school system, largely because zoned public schools will continue to educate the vast majority of students in the United States for the foreseeable future.

This paper is not the first to evaluate the impact of exposure to school-choice policies on the academic performance of students who remain in the public school system. However, it is the first (of which we are aware) to provide evidence of the impact of a program aimed exclusively at disabled students on the academic achievement of those disabled students who remain in local public schools.

There are two general schools of thought concerning the impact of school-choice policies on all types of students who remain in the public school system. The first school of thought is that school-choice programs decrease public school performance by draining public schools of substantial financial and human resources. As students leave local public schools for alternatives, they take with them a large portion of the funding that the school would have received for their education. Such losses are likely to harm students' academic proficiency.

Additionally, it is often assumed that the best and brightest within any particular pool of voucher-eligible students are more likely to take advantage of voucher programs. Several theoretical models suggest that removing these students from public schools would tend to stunt the academic growth of students remaining in the public schools as the result of a so-called dilution of peer effects (Epple and Romano 1998, 2002; Nechyba 1999, 2000; Caucutt 2001). That is, a particular student's proficiency is partly determined by the proficiency of his fellow students—perhaps because such students provide positive role models, stimulate classroom discussion, and so on. Thus, as the overall quality of students within a local public school deteriorates, so might the academic progress of any of its individual students.

It could be argued, however, that losing students to school-choice programs would actually increase the ability of public schools to elevate student achievement. If, as many teacher groups and public school advocates claim in debates unrelated to school choice, the true cost of educating a student is greater than the resources that a school



receives to educate him and if funding is largely allocated on a per-capita basis, then losing students to school-choice programs could mean more resources available for the students who remain. A further benefit could be that as public school enrollment drops as the result of school-choice policies, so might class size.

Such resource arguments apply with special force to special education. It is frequently argued that special-education programs are uniformly underfunded and that the large increase in the percentage of students who are disabled has been a substantial burden on local public schools. If the cost of educating disabled students truly exceeds the funding provided, then removing a portion of these students from local public schools would tend to increase the resources available on a per-capita basis.

The second school of thought about these so-called systemic effects holds that school-choice policies might actually improve the performance of local public schools even as, and precisely because, such policies reduce their resources (Nechyba 2003). Many of those in favor of school-choice policies argue that the current system, in which students are assigned to schools on the basis of their address, provides those schools with a captive clientele it feels little pressure to truly educate. This weakness is especially pronounced when students lack the means to move to another school zone or attend a private alternative. Special-education students, in particular, might suffer under this system if private schools are hesitant to admit them because they are more difficult to educate. Under this theory, school-choice policies create a market for educational services in which local public schools must begin to compete for their students and the resources that they draw upon by offering an educational product of equal quality to the alternative that the voucher makes available.

Several studies have evaluated the relationship between exposure to school-choice policies and public school performance. Utilizing slightly different methods, Greene and Winters (2004), Chakrabarti (2005), Figlio and Rouse (2006), West and Peterson (2006), and Greene (2001) each found that competition from a voucher program in Florida (a different program from the one evaluated in this paper) led to public school gains on math and reading tests. Hoxby (2001) found that public schools improved their performance in response to competition from charter schools.

In a related literature, a growing body of empirical research measures the impact of greater exposure to schooling options on public school students' academic outcomes. Hoxby (2000), Bayer and McMillan (2005), and Hanushek and Rivkin (2003) find evidence that greater competition among public school districts, often referred to as Tiebout choice, leads to improved public school performance, though McHugh (2003) finds less evidence of this effect. Hoxby (1994) and Dee (1998) find positive effects from unsubsidized private school competition, while Sander (1999) and McMillan (2004) fail to find such an effect.

Unfortunately, to date there is no quantitative research evaluating the impact on the performance of public schools of disabled students' exposure to school-choice programs. This paper begins to fill this void in the literature.

Focusing on a program directed at disabled students may be interesting for a variety of reasons. First, as discussed above, such policies represent substantial growth in general in U.S. voucher programs over the last few years.

Focusing on the impact of a special-education voucher program is also worthwhile because a frequent criticism of voucher programs has been that private schools will not accept students with disabilities because they are difficult to educate and, if enrolled, would decrease the average ability level of their student body and thus their competitive advantage (Epple and Romano 1998, 2002; Nechyba 1999, 2000; Caucutt 2001; Cullen and Rivkin 2003). This suggests that not only highly selective private schools may refrain from accepting disabled students, but also the more numerous urban private schools that educate seriously disadvantaged populations. If private schools are unwilling to accept even those disabled students whose tuition is paid, the McKay program should have little, if any, competitive effect on the performance of public schools.

A final feature of the McKay program that makes it of particular interest to study is the size of both its eligible and participating populations. An important criticism of previous school-choice research is that their focus on small programs may not have produced findings that would remain valid as these programs grew in scale. For example, in 2006–07, students in only 21 Florida public schools were eligible to receive a voucher from the oft-studied Opportunity Scholarship Program (Greene and Winters 2004; Chakrabarti 2005; Figlio and Rouse 2006; West and Peterson 2006). In contrast, in 2005–06, about 15 percent of all disabled public school students in Florida were eligible to receive a McKay voucher.<sup>[1]</sup>

This paper utilizes a data set provided by the Florida Department of Education to study the impact of increased

generosity of its grants. Every eligible student is provided with a voucher that is equivalent in value to the sum that his original public school would spend on him if he did not use it or the tuition charged by the accepting private school, whichever is smaller. This means that students with more severe disabilities have the chance of receiving a larger voucher amount than students with milder disabilities because the former are more expensive to educate. According to the Florida Department of Education, in 2006–07 McKay scholarships ranged in value from \$5,039 to \$21,907, with an average of \$7,206.<sup>[3]</sup>

### 3. Data

We utilize information from a rich data set provided by the Florida Department of Education. This data set contains student-level information for the universe of public school students who were enrolled in grades three through ten in the Florida public school system from the 2000–01 to the 2004–05 school year. For each student-year, the data set comprises demographic information and the child's score on the math and reading versions of the Florida Comprehensive Assessment Test (FCAT)—a standardized test administered to all students in grades three through ten. If the student is disabled, the data set reports the student's disability classification. Importantly for estimation purposes, the data set includes an identification number for each student that allows us to follow his performance over time.

	Voucher Using Students	Voucher Accepting Private Schools
2006-07	18,273	811
2005-06	17,300	751
2004-05	15,910	708
2003-04	13,739	687
2002-03	9,130	518
2001-02	5,013	296
2000-01	970	100
1999-00	2	1

The data set includes information on only those students who were enrolled in public school during the time period covered. Because private school students, including those who utilize McKay scholarships, are not required to take the state's standardized exams, we have no information on their performance after they leave public school and thus no basis for evaluating McKay's impact on them.<sup>[4]</sup>

Consequently, our expansive data set can be used to evaluate the impact of public school exposure to the McKay program on the proficiency of only disabled students within those public schools. "Exposure" to the program refers to the existence and pervasiveness of schooling alternatives reasonably available to students assigned to a particular public school on the basis of their home address. This definition of exposure does not depend on students' using a voucher to leave a

particular public school for a private alternative—though the number of private alternatives nearby and the number of students leaving public schools with a McKay voucher are almost certainly related—and we do not directly control for such attrition. Instead, we are interested in identifying to the best of our ability how many feasible options were available to students enrolled in a particular public school, since a larger number of alternatives provides students with more of an opportunity to take advantage of the voucher program.

We adopt the strategy of some previous studies of the systemic effect of school-choice policies and utilize the number of private schools willing to accept a McKay voucher within a reasonable geographic radius of a public school as the measure of a school's exposure to the program. Students could theoretically utilize a McKay voucher at any school in the state willing to enroll them; but as a practical matter, geography can limit a student's ability to attend private school. It can therefore limit the exposure to McKay that a public school faces. It should come as no surprise that public schools with a number of private schools nearby that are willing to accept McKay vouchers are disproportionately likely to lose their students to the program, while public schools surrounded by few, if any, such schools are essentially unaffected by the program. We can thus use the number of private alternatives within a particular radius of a public school as a proxy for, or measure of, the exposure that that school faces from the program.

For each year in our data set, we used geographical software to locate every public school and every private school that had registered with the state as willing to accept a McKay voucher. We then counted separately, for each of the years in the data set, the number of private schools within five miles of a given public school accepting McKay vouchers, and then the number of such schools within ten miles of each public school.<sup>[5]</sup> Using a unique school identifier in the student-level data set, we then determined the number of private alternatives available to

Chairman KLINE. Without objection.

Mr. BUCSHON. Thank you.

Chairman KLINE. I think all members have had a chance to ask questions.

I will yield now to my colleague, Mr. Miller, for any further questions or closing comments he may have.

Mr. MILLER. Thank you.

Just to follow up on the last point you made, Ms. Barresi, so you would favor federal funds, which are for the most part, let us just keep the big categories, IDEA and Title I, those funds following the student and be a per capita—and they would follow the student?

Ms. BARRESI. I think these are taxpayer dollars. These are dollars that taxpayers have paid for their children's education. I think those dollars need to be following the child to the classroom, yes, sir.

Mr. MILLER. No, I understand. I understand why you are saying that. But let me then just input. Obviously, when you follow Title I dollars and IDEA dollars, there is a lot of leakage between what would be a per capita allocation per child and what districts do with those monies.

Ms. BARRESI. Correct.

Mr. MILLER. In some areas, IDEA funds are used for essentially property tax relief. In other areas, we know the leakage that goes on between Title I and the payment of teachers in non-qualified—you know, eligible schools, if you will. But that is to show you—I am not being opposed to this. I am just trying—we have had a lot of discussions about this, and I am just trying to sort it out. You run, you know, a large operation. I am just trying—

Ms. BARRESI. And that flexibility is important, I believe. I believe we have to put in a lot more flexibility in how we actually do seed our dollars.

Mr. MILLER. But understand something. If you want the money to follow the child, the purpose of this money for that child who is Title I eligible is a national purpose based upon the civil rights decisions in this country. The money following the child with IDEA—and I don't disagree with any of this—is there because of the Supreme Court of the United States, not because we decided one day to wake up and help educate the children with disabilities.

We did that because local districts found themselves at the end of a Supreme Court decision that they didn't believe that they could handle on their own. So I am just trying to sort this out because I think it is a crucial question. I think it is a very crucial question.

Ms. BARRESI. Well, I know in Oklahoma, that with our Lindsey Nicole Henry scholarship opportunity, those federal—pardon me—those federal IDEA dollars do not follow the child into that private school. And I think it is something that should be considered in terms of an opportunity for those children.

Mr. MILLER. I don't disagree with you. I am not here—I am not playing an adversarial role here. I am just trying to sort this out. I have been trying to explore this for a number of years about how you get the resources on behalf of those students to the place where they have the best opportunity to succeed. And I think in the—okay, we will continue that conversation.

I think the question, as we transition, you know, to a growth model, and I think there is general agreement that that is the direction we will go—the first time my state tried it, it was sort of growth to nowhere. Then they got it right, and they have pretty good—very good standards at this point.

And I think that that is important because I think you can—I appreciate people dismissing AYP. But when a school has 7 percent of its children reading at fourth grade level, that isn't the federal problem. There is something else going on here. And when you have 13 percent of your eighth graders at the eighth grade level, you have got a problem.

So you can dismiss it. And we know it is a snapshot in time. You are comparing this fourth grade against that fourth grade. Also it is telling you something about this school. And so, as we move to a growth model, you can't have children languish in that system.

You know, you talk about you are a middle school, you are a charter school. So you bring kids with all these problems. But we see other middle schools, charter schools that take those kids and get them up to speed, because otherwise, on your suggestion, you would be graduating kids that would be in need of dramatic remedial education to go onto a 2-or 4-year college.

Mr. MAQUBELA. Right.

Mr. MILLER. Right?

Mr. MAQUBELA. Congressman, what I was speaking to is that we see that only in our first year. But by the time they leave us in the eighth grade year, we have done just that. And our numbers show that overwhelmingly, our students not only leave at grade level, but actually above grade level. But determining whether or not we are a failing school is judged in that first year.

Mr. MILLER. No, I understand that. I understand that. And that is why we are moving. But I just want to make sure that we are talking about career or college-ready standards at the end of the traditional place at twelfth grade.

Mr. MAQUBELA. Right.

Mr. MILLER. You should be career or college-ready.

Mr. MAQUBELA. Absolutely. And that is what we are saying.

Mr. MILLER. And that has got to be the growth. Now, with the advent of common core standards, if states, in fact, do end up embracing this and participating in this, then you have what, in theory, on those subjects you have agreed to those where the growth should go to those standards.

Because remember, when we did No Child Left Behind, there was no way in hell the Federal Government was going to tell states what their assessments were going to be. That would have been a non-starter, just politically. It was not going to happen.

So we took the states as we found them. A lot of states don't like their tests. There are no federal assessments. There are no federal assessments. So the states—you know, you kind of argued it both ways.

So as we transition, it just has to be clear about one of the points, Mr. Chairman, the civil rights aspect of this legislation, the accountability sections of this legislation. I think both of those allow dramatic improvements in flexibility. But you lose those, then you are back to general assistance on education. Why would I raise the taxes of my constituents to pay for the education if there wasn't a national purpose?

You could say, well, it is the economy. That is another discussion. I don't think you want to have that in this Congress, but it would be interesting. It would be an interesting discussion.

So I think there is a serious rationale because these are the children most likely not to get that full educational opportunity. And that is why we make these decisions. I think this panel—if any one of you want to comment, the light is on, so I can take a quick comment. I don't—

Chairman KLINE. It is that ranking member privilege.

Mr. MILLER. Any comments on this? Or nod if you are in agreement.

Mr. AMOROSO. I think you have made a lot of good points. I mean, I don't think there is a lot of argument against that.

Mr. MILLER. You get an A. Let us see how we are going to grade your school, Mr. Amoroso. [Laughter.]

Ms. BARRESI. One thing we want to look at also, besides just that growth model, is to look at other indicators of success: how many students within that school are taking A.P. courses in their high schools; how many have concurrent enrollment; how many students are—let us take a group of students. How well are they bringing up the lowest quartile of their performing students?

I think what is appropriate is to get an overall view of the professional effort of that school, take a look at the professional development of their teachers, parent involvement as well, possibly even a small percentage for parent evaluation of the performance of their school.

Mr. MILLER. I wouldn't disagree with you on that. Or I want to make sure that it is real and it is measurable. When we opened it up, I started the discussion on multiple indicators around here 4 years ago, as Mr. McKeon was pointing out, and all hell broke loose.

But let me tell you, there were more suggestions for indicators than you could shake a stick at. Do the students feel good about the school? Are the students happy? Are the students—that is all interesting. But at the end of the day, are they college and career-ready? And there were no shortage—there was no shortage of people who had indicators of—you know, does the sun come in from the South in the morning?

So I agree with the multiple indicators. But I think they have to be real, and they have to be measurable. And I think that is important.

The final thing I just would say on this question of an exemption, if you are doing well, you get an exemption, I have watched wonderful turnaround schools implode out of the complete surprise of everyone. That is not an indictment. I just think you have to keep the accountability in place. And I think we can construct a flexible system that that won't be as important as it might be today under the regime that we are operating under.

Mr. MAQUBELA. And what I would say to that is it is not the suggestion that any oversight body, whether it be the Federal Government or some other entity, walk away completely because the school have shown, but that those schools be allowed to build upon the success that they have shown. So we are not saying that there is no measurement, but as opposed to every year or every 2 years that there is some break in that assessment so that those schools can do more of what they are doing great.

And again, just that we are not treating everybody the same way. And if we give the opportunity for those schools that have demonstrated what they can do to do more of that with less burdensome guidelines, I think what they will do is benefit more of those—

Mr. MILLER. I am not treating everybody the same way. In fact, what I am seeking is a system that you will be accountable for and

then your parents and the communities and whoever else can make a decision based upon the transparency and the real nature of the data whether or not they want to send their children.

We have people in California now making decisions that they don't want to send their children to school. As a matter of fact, they want to change this school. I think parents and community, with good data that is transparent, will have a—can create a better accountability system than what we are trying to do from 2,000 miles away, pulling a lot of levers.

I am done.

Chairman KLINE. I thank the gentleman. [Laughter.]

Mr. MILLER. I have—

Chairman KLINE. I think I agreed with everything that he just closed with, at least. Obviously, as we go forward in this reauthorization process—and it will be a process of probably several pieces of legislation, we are going to absolutely have to address the fundamental question that Mr. Miller just raised—is in accountability, it will be accountability to whom, for what. And so, that data and that transparency is going to be part of this discussion.

And the to whom, I am inclined to agree with Mr. Miller that the people where you are, those parents and those school boards and those communities, are going to be the people who will be most accountable to and not necessarily the man or woman down the street. So your testimony is very, very valuable here.

And the concerns about flexibility, which every one of you spoke to, where money is sequestered or set aside or in the wrong silo, in the wrong tube and you need to move it from this tube to that tube is something that we are hearing more and more of. And we intend absolutely to move to address those concerns.

So thank each of you.

Dr. GRIER, give my best to my former, once upon a time home town for 4 years of Houston, Texas while I was a—while I was a student there.

Mr. MAQUBELA, congratulations on MS-2. What a wonderful, wonderful story that you have to tell here.

Dr. Amoroso, give my best to my neighbors when you get back there.

And, Dr. Barresi, please give our highest regards to our former colleague and your governor, Governor Fallon.

Thank you all. And with no further business, the committee stands adjourned.

[Whereupon, at 12:51 p.m., the subcommittee was adjourned.]

