

# HOUSE BILL REPORT

## HJM 4042

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**As Reported by House Committee On:**  
Education

**Brief Description:** Requesting changes in the No Child Left Behind Act.

**Sponsors:** Representatives Linville, Jarrett, Hunt, Chase, Schual-Berke, Kenney and Rockefeller; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:**

Education: 2/4/04, 2/5/04 [DPS].

**Brief Summary of Substitute Bill**

- Requests federal consideration of improvements to the No Child Left Behind Act of 2001.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Cox, Haigh, Hunter, McMahan, Rockefeller and Santos.

**Staff:** Sydney Forrester (786-7120).

**Background:**

In 2001, Congress amended and reauthorized the Elementary and Secondary Education Act (ESEA). The amended ESEA is known as the No Child Left Behind Act of 2001 (NCLB). Under NCLB, Washington must report annually on the percentage of students achieving at grade level on the Washington Assessment of Student Learning (WASL), at the school, district, and state level. The data from these reports is used to determine whether a school, a district, or the state has achieved adequate yearly progress (AYP) toward federal goals. An increasing percentage of students must pass the WASL each year in order to make AYP.

Reporting for AYP purposes must include the WASL passage percentages for disaggregated groups, including race, ethnicity, gender, English language proficiency, migrant status, disability status, and low-income status. A school is deemed to have failed to make AYP if one or more of its disaggregated student groups does not achieve the requisite level of WASL passage. Similarly, a district is deemed to have failed to make AYP if one or more of its

schools does not meet the WASL passage goal, and finally the state is deemed to have failed to make AYP if one or more school districts fails to make AYP. A progressive schedule of annual consequences is imposed for failure to meet AYP.

In addition to AYP requirements, the NCLB defines the qualifications needed by teachers and paraprofessionals who work in any facet of classroom instruction. It requires that states develop plans to achieve the goal that all teachers of core academic subjects be highly qualified by the end of the 2005-06 school year. States must include in their annual plans, measurable objectives that schools and districts must meet in moving toward the goal and must report on their progress in the annual report cards.

Since passage of the NCLB, 12 states have considered, or are considering, urging Congress and the President to provide additional funding for NCLB. Eight states have completed or are considering fiscal studies of the NCLB, and five states have considered, or are considering, legislation indicating the state's intent not to participate in NCLB.

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### **Summary of Substitute Bill:**

The Legislature petitions the President and Congress of the United States to work together with state legislatures and the U. S. Department of Education to improve the NCLB and its implementing regulations to address issues related to students with cognitive disabilities and those with limited English proficiency, and the mandates for statewide professional development and administration of newly developed assessments.

### **Substitute Bill Compared to Original Bill:**

Reference to statewide professional development and administration of assessments for teachers and paraprofessionals acknowledges that these programs are mandated by the NCLB. The original bill referred to the costs of these programs. Reference to Washington's continuous growth model for academic achievement declares continued legislative support for this model. The original bill referred to the Washington model as "more appropriate."

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Testimony For:** Washington has been addressing educational reform for a long time, and we applaud the federal government's efforts in the NCLB. But the NCLB creates some problems for Washington because of efforts already underway, and the fact that no one size fits all. For states not already in a program of education reform, these same concerns may not exist.

To be successful in meeting accountability goals, Washington needs flexibility in implementing the federal requirements. The same type of flexibility is needed as was provided when the State was implementing federal welfare reform requirements. Other states have put forth memorials asking for similar flexibility from the federal government, and some

of those have been stronger proposals than this bill. The NCLB is still necessary even with its shortcomings. The requirement for AYP is making a difference for many disenfranchised students.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative Linville, prime sponsor; and Thelma Jackson, African-American Think Tank.

**Persons Signed In To Testify But Not Testifying:** (In support) Karen Davis, Washington Education Association; Mary Alice Heuschel, Office of the Superintendent of Public Instruction; and Kathleen Lopp, Washington Association of Career and Technical Education.