
SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AMENDMENTS TO
THE *NO CHILD LEFT BEHIND ACT OF 2001*.

1 WHEREAS, the United States Congress must decide in 2007
2 whether to reauthorize the *No Child Left Behind Act of 2001* or
3 let it die and replace it with a new law; and
4

5 WHEREAS, the *No Child Left Behind Act*, unprecedented in the
6 history of federal and state roles in public education by the
7 mandated imposition of a federally prescribed, single
8 accountability model for all public schools, undermines the
9 established constitutional role of state and local public
10 education governance; and
11

12 WHEREAS, the *No Child Left Behind Act*, while purporting to
13 create an accountability system for public schools, has in
14 reality, been an enormous financial and programmatic burden on
15 schools and taxpayers; and
16

17 WHEREAS, even if states and schools are satisfied with
18 their educational programs and outcomes, they are forced to
19 participate in this top-down system in order to continue to
20 receive federal funds for education, such as Title I funds; and
21

22 WHEREAS, the *No Child Left Behind Act* mandates consequences
23 to schools if just one of thirty seven possible adequate yearly
24 progress calculation outcomes are not met, and makes no
25 distinction in the consequences imposed on schools that did not
26 meet one or did not meet all thirty seven, resulting in dilution
27 of energy, time, and money by mandating the treatment of all
28 such schools to include identical sanctions; and
29

30 WHEREAS, the *No Child Left Behind Act* employs a view of
31 motivation that is misguided and objectionable, using threats,
32 punishments, and pernicious comparisons to "motivate" teachers,
33 students, and schools; and



1
2 WHEREAS, private K-12 schools have chosen not to spend
3 their time or money adopting key elements of the *No Child Left*
4 *Behind Act's* intensive testing and accountability regimen; and
5

6 WHEREAS, the *No Child Left Behind Act's* narrow focus on the
7 "basics" has discouraged the implementation of best practices
8 and cutting edge educational research in order to achieve higher
9 test scores; and
10

11 WHEREAS, the *No Child Left Behind Act* has driven many
12 schools and school systems into a narrowing of curriculum, often
13 focused on only tested subjects, to the detriment of subjects
14 and rich educational experiences, such as the arts; and
15

16 WHEREAS, the goal of achieving one hundred per cent
17 proficiency, including special education students, is
18 unrealistic, and the pursuit of which channels millions of
19 dollars into tactically targeted programs that divert limited
20 resources from other critical school programs, professional
21 training, as well as the educational and physical environment of
22 schools; and
23

24 WHEREAS, the requirements of the *No Child Left Behind Act*
25 penalize schools who enroll students who have inherent
26 educational deficiencies and who, as a group, will continue to
27 remain below ever increasing *No Child Left Behind* "annual
28 measurable objectives"; and
29

30 WHEREAS, while there has recently been some interest in the
31 development of so-called "growth models" to recognize the
32 contributions of a school to individual students over time, the
33 lack of adequate funding and the prohibition against states
34 developing their own growth models has rendered this initiative
35 almost meaningless; and
36

37 WHEREAS, the *No Child Left Behind Act* does not provide
38 additional funds for teacher education or training if a school
39 is in "status" or under restructuring, which creates a punitive
40 environment with little commitment on the part of the federal
41 government for improving teaching and learning, or for
42 supporting increased school success; and
43



1 WHEREAS, Adequate Yearly Progress does not take into
2 account a school's adoption of meaningful educational innovation
3 or judicious use of research; and
4

5 WHEREAS, the *No Child Left Behind Act* has channeled
6 countless dollars into high-stake testing, which has largely
7 benefited national private testing companies, but at the expense
8 of ignoring genuine student accomplishments; and
9

10 WHEREAS, the *No Child Left Behind Act* appears biased
11 towards a one-size fits all multiple choice testing system, and
12 tends to ignore other means of engaging and assessing students
13 such as project-based, hands-on, or problem-solving
14 demonstrations of competency; and
15

16 WHEREAS, the United States Department of Education has
17 shown little or no interest in creating incentives among
18 colleges and universities to incorporate innovative portfolios
19 or project-based competencies into their admissions decisions,
20 thus reinforcing the use of high-stake, multiple-choice private
21 contractors; now, therefore,
22

23 BE IT RESOLVED by the Senate of the Twenty-fourth
24 Legislature of the State of Hawaii, Regular Session of 2007, the
25 House of Representatives concurring, that the United States
26 Congress is strongly urged to proposed specific amendments to,
27 or recommend the repeal of, the federal *No Child Left Behind Act*
28 *of 2001*; and
29

30 BE IT FURTHER RESOLVED, that among the issues and
31 amendments the United States Congress should address are the
32 following:
33

34 (1) Improving teacher quality, preparation, and training
35 by:
36

37 (A) Building support for a comprehensive incentive
38 program to recruit, place, and retain
39 experienced, well-qualified teachers in high-need
40 schools (e.g., high poverty, or geographically-
41 isolated communities);
42



- 1 (B) Providing significant support for teacher
2 education, professional development, in-service
3 training, and career opportunities;
4
- 5 (C) Improving the occupational status and
6 compensation of teaching as a career;
7
- 8 (D) Improving qualifications of teacher candidates at
9 colleges of education;
10
- 11 (E) Providing financial incentives for institutions
12 of higher learning to incorporate portfolios and
13 demonstrations of competency into their
14 admissions decisions;
15
- 16 (F) Strengthening teacher education preparation
17 programs in areas such as science, mathematics,
18 technology, measurement, data analysis, and
19 evaluation;
20
- 21 (G) Recognizing teachers having achieved
22 certification by the National Board for
23 Professional Teaching Standards as "highly
24 qualified" in their respective fields; and
25
- 26 (H) Providing flexibility in recognizing certified
27 secondary level special education teachers as
28 qualified teachers in their own right, and
29 removing the unrealistic expectation that such
30 teachers be additionally certified in every
31 single core subject area;
32
- 33 (2) Improving assessment measures and systems by:
34
- 35 (A) Refining student assessment instruments designed
36 specifically for use in improving instruction as
37 well as school accountability;
38
- 39 (B) Encouraging states and school districts to
40 utilize a wider range of useful assessments,
41 including project-based competency and
42 portfolios;
43



- 1 (C) Developing more appropriate means of assessing
2 the academic progress of English Language
3 Learners, special education students, and those
4 with behavioral health issues; and
5
- 6 (D) Supporting the development and implementation of
7 comprehensive statewide data collection and
8 exchange systems that allow for more efficient
9 support for student record keeping and informed
10 educational policy decision making (e.g.,
11 electronic student transcript systems, and
12 longitudinal analyses of growth in academic
13 achievement);
14
- 15 (3) Improving accountability models, indicators of
16 performance, and consequences by:
17
- 18 (A) Supporting states and the educational research
19 community in research and development efforts to
20 further the pioneering work required in refining
21 the technology underlying growth (toward
22 standards) analysis models;
23
- 24 (B) Permitting each state to adopt and pilot its own
25 growth model to calculate adequate yearly
26 progress under the No Child Left Behind Act to
27 take advantage of inherent benefits that motivate
28 students at all levels of proficiency;
29
- 30 (C) Supporting wholesale changes to the "adequate
31 yearly progress" model for educational
32 accountability that would provide for a fairer
33 and more balanced appraisal of school performance
34 and quality;
35
- 36 (D) Replacing punitive, conjunctive "miss one, miss
37 all" criteria;
38
- 39 (E) Expanding accountability indicators to reflect
40 performance on standards in other important
41 disciplines and countering unintended
42 consequences such as a narrowing of curriculum;
43



- 1 (F) Allowing for current limitations in reliable and
2 valid assessments of students within a wide range
3 of disability classifications; and
4
- 5 (G) Allowing for deferrals to test new immigrant
6 students with limited English proficiency for up
7 to three years of entering the country;
8
- 9 (4) Augmenting resources to assist states in efforts to
10 accomplish challenging educational initiatives by:
11
- 12 (A) Requiring schools to maintain a broad and
13 comprehensive curriculum to support adopted
14 content and performance standards, including the
15 arts and physical education;
16
- 17 (B) Fully funding special education programs, as once
18 promised;
19
- 20 (C) Providing adequate funding to research and
21 develop multiple and more valid means of
22 assessing student competence, skills and
23 knowledge for use in both improvement and
24 educational accountability; and
25
- 26 (D) Providing funding and training support for data
27 and technology infrastructure requirements;
28
- 29 (5) Supporting innovation, capacity building, and
30 flexibility to address state and local education needs
31 by:
32
- 33 (A) Recognizing schools that demonstrate successful
34 strategies using innovative curriculum and
35 methodologies;
36
- 37 (B) Developing new initiatives for school facilities
38 that do not push educational funding toward ever
39 larger schools and economy-of-scale construction
40 mentality;
41
- 42 (C) Avoiding simplistic "one size fits all" solutions
43 for assessment, accountability, and intervention;
44



- 1 (D) Addressing unique needs of "high-need" schools
2 (e.g., high poverty, high immigration, extreme
3 geographic isolation); and
4
- 5 (E) Allowing states to determine which and how many
6 grade levels are best to test; and
7
- 8 (6) Returning to the original intent and purpose of the
9 *Elementary and Secondary Education Act (ESEA)* by:
10
- 11 (A) Restoring the foundational precepts of ESEA and
12 its focus on equity in educational attainment
13 despite disadvantages stemming from
14 socio-economic background;
15
- 16 (B) Allowing states to "opt out" of requirements that
17 impact schools that do not receive ESEA
18 entitlements, without loss of federal funds;
19
- 20 (C) Promoting strategies that directly reduce
21 achievement gaps through better instruction, such
22 as incentives for experienced, well-qualified
23 teachers to accept positions in high-need schools
24 and for reducing class size;
25
- 26 (D) Resolving to build the best public education
27 system and teacher work force in the world,
28 rather than promoting lofty rhetoric and ploys
29 that undermine and divert public funds to private
30 schools; and
31
- 32 (E) Returning policy setting and curriculum and
33 teaching decision making control back to states,
34 school districts and local communities; and
35

36 BE IT FURTHER RESOLVED that certified copies of this
37 Concurrent Resolution be transmitted to the President of the
38 United States, the Vice President of the United States, the
39 President pro tempore of the United States Senate, the Speaker
40 of the United States House of Representatives, and the members
41 of Hawaii's Congressional delegation.

