

House K – 12 Finance Hearing
November 2, 2011
Commissioner Brenda Cassellius – Testimony on the No Child
Left Behind (NCLB) Waiver

(Text of testimony as prepared)

Mr. Chair and Members,

Thank you for the opportunity to join you today. I am delighted to be able to share additional information with you about Minnesota's No Child Left Behind waiver request. The entire Minnesota Department of Education (MDE) appreciates the opportunity to share information on this very important issue with you and with the public who have so much at stake in the success of our students and our schools.

With me today is the Department's Deputy Commissioner Jessie Montano and our Federal Liaison, Sam Kramer. After I provide an overview of the waiver request, Ms. Montano will speak to the process of developing the waiver request, and Mr. Kramer will address the particulars of Minnesota's request.

The Elementary and Secondary Education Act (ESEA), otherwise known as No Child Left Behind, is four years overdue for reauthorization. President Obama and Secretary of Education Arne Duncan have been urging Congress to reauthorize the law. To be clear, Secretary Duncan has often said reauthorization is a far preferable method to strengthen and improve the law than is a waiver process for states – and he continues to state reauthorization is, and always has been, "Plan A."

Currently, ESEA reauthorization is moving forward in the Senate, however, there is still quite a way to go before the full Senate votes on a bill. There is equal distance and challenge ahead before the House would vote on its own reauthorization bill or concur with the Senate version.

And so our schools wait as legislation languishes. Within a few short years, nearly all Minnesota schools – many of which are making a real difference for students – will be labeled as failures and hundreds more local schools will be subject to a system of federal interventions that data has not shown to be effective. That is why the Administration has proposed a waiver alternative, and why Minnesota is seeking relief from the failed measures of school accountability and interventions mandated by the federal government.

Minnesota is not alone in seeking this relief. Forty-one states have said they will seek the waiver this year and many of the others have said they will do so next year if ESEA is not reauthorized.

I want to be very clear about our position. Minnesota is not seeking a pass on accountability. Nor is the U. S. Department of Education (US-DOE) taking the waiver process lightly. What we are seeking is meaningful accountability that gives us a true picture of how our schools are serving every student.

The waiver guidelines require four principles that states must follow to ensure firm plans for accountability are met:

- 1) States must have college- and career-ready standards,
- 2) States must have, or be in development of, a system of teacher and principal evaluation,
- 3) States must have a plan for assessment and accountability,

4) States must actively seek reduction of burdensome paperwork and duplication.

The US-DOE has set a high bar for approval. All applications will be peer-reviewed. Minnesota is not guaranteed approval. As many of the principles required for ESEA flexibility have already been enacted by this legislature and legislatures in the past – many with bipartisan support – Minnesota is well-positioned to take advantage of this opportunity.

Minnesota has consistently increased the rigor of its standards by aligning them to college- and career-ready expectations. Our standards were crafted with higher education partners and have been nationally peer-reviewed and certified as college- and career-ready. Minnesota is a nationally recognized leader in the pursuit of high standards, and our Department content experts were most recently selected to join other states in the creation of Next Generation Science Standards. Our mathematics standards are equally high, as evidenced by our being among the top three states in National Assessment of Educational Progress (NAEP) mathematics achievement. We have only recently adopted the English Language Arts (ELA) Common Core and, therefore, will not see the results until they are fully implemented. But given our stagnant reading scores, I am eager to begin the implementation of these new ELA standards that are also college- and career-ready.

Minnesota's accountability system already contains many of the features required by the waiver. Our School Improvement Grant (SIG) program currently identifies some of the most persistently low-achieving schools and works with them to implement turnaround models similar to the principles outlined in the federal guidance. There are several other decisions that will have to be made about how to provide

differentiated recognition, accountability, and support to schools, but the state already has many policies and tools in place that will make this possible.

Thanks to bipartisan legislation passed this last session, Minnesota's recently adopted teacher and principal evaluation policy is aligned with the waiver requirements for supporting effective instruction and leadership. Just this week, Minnesota was recognized by the National Council for Teacher Quality for its new law, along with 16 other states.

Finally, as part of the Governor's push for a more efficient/effective government, the Minnesota Department of Education is working to reduce burdensome reporting requirements for districts, and will be better-positioned to offer further assistance in this area if granted greater flexibility from federal reporting requirements. This would also assist the agency as we move to become an agency of greater strategic support and assistance for schools.

Under the waiver guidelines, states must identify the five percent of Title I schools that are the most persistently low-achieving as **Priority Schools** and implement rigorous reform models in those schools.

Although our overall student achievement in Minnesota is above average among other states, our student achievement disparity for students of color and students living in poverty is among the worst in the nation. This is not how Minnesota will stay competitive, especially as our demographics shift and more students are born into poverty. Currently, about 15-20 percent of Minnesota babies are born into poverty; when we look closer, 60 percent of American Indian babies are born into

poverty, 42 percent of African-Americans, 33 percent of Hispanics, 10 percent of Asians, and 8 percent of Whites.

Economic circumstances can limit a child's opportunity and access to appropriate health care and high-quality education. We also know that the early learning years, from birth to age 5, are critical to a child's development. Investing earlier can be a game changer for a child born into poverty. I personally know this to be true – as access to quality early childhood programs made a difference for me. Every child should have the opportunity for a hand up out of poverty in order to be positioned for success.

Given the 20-year stagnation of progress in closing our achievement gaps and our inability to move forward in this area, Minnesota must be more strategic and focused in our efforts to address achievement disparities head-on and support schools in their efforts to eliminate these disparities.

Fortunately, Minnesota is not alone in recognizing this urgency. The US-DOE has also recognized it and is requiring waiver applicants to identify the 10 percent of Title I schools that either have low graduation rates, low-performing subgroups or the widest achievement gaps. They are calling them, **Focus Schools**, and each state agency must work with districts to improve the performance of these schools. The Focus Schools designation will allow us to provide strategic support so we can begin to close persistent and nagging gaps more rapidly and effectively.

States must also identify an unspecified percentage of Title I schools as **Reward Schools** based on high levels of achievement or high levels of academic growth. This is exciting! Instead of a solely punitive approach, we will

recognize excellence. The concept is very similar to the High Performance Awards proposed by Governor Dayton during the last legislative session. We believe we should learn from and celebrate the great work of teachers and schools throughout Minnesota and that high-achieving and high-growth schools should be celebrated, rewarded – and we should all learn from them. We can no longer work in silos if we want rapid transformation that is sustainable. Change that lasts, is change that is shared.

Finally, states must continue to provide incentives and support for Title I schools that do not fall into any of the three (I only see two mentioned?) designated categories. We will continue to measure these schools and report on their progress, as we continue to support and encourage ways to bring schools together as teams so they can better support one another and we can continue to build our collective capacity throughout Minnesota.

Minnesota has a growth model in statute that offers a more complete way to measure how well a school is doing – based on growth – rather than using just one measure that scores one group of kids against a completely different group of kids the following year.

Currently, more than 70 percent of school districts across our state are labeled as not making Adequate Yearly Progress (AYP). But I ask - with our children leading the nation in NAEP mathematics scores, and posting ACT scores that are year after year among the country's highest – how is it that so many of our schools and districts can be labeled failing? We believe the fault is due to using a misguided measure mandated by a failed law.

Mr. Chair and Members, we all agree that we still have significant work to do in our schools, not the least of which is working to ensure every student, every unique learner, in every school is getting their educational needs met. But let's not paint all schools as failures because of our own failure to measure them fairly and accurately when we have a chance to do it better.

Let's get this piece right so we can move forward to work with those schools that have multiple years of evidence that they need significant support. Let's also begin to reward and celebrate the schools we know are doing well, and let's highlight their success and learn from them. Let's continue our successful tradition of supporting greater local control with accountability for results. And let's make the most of our resources in tough economic times by making strategically focused and intentional decisions about the support we give our teachers and schools.

The window of opportunity is open for Minnesota to take responsibility for its educational system and to be accountable for delivering on our constitutional promise of a uniform system of public schools for all of Minnesota's children. Let's make the most of this opportunity to make state and local decisions that work best for Minnesota students and Minnesota schools.

Again, thank you for this opportunity. I'll now turn things over to Deputy Montano to cover the process for requesting the waiver and Sam Kramer to speak in greater detail the particulars of our request.