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# 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  
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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.

