
SENATE 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
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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
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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
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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
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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
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1 WHEREAS, private K-12 schools have chosen not to spend
2 their time or money adopting key elements of the *No Child Left*
3 *Behind Act's* intensive testing and accountability regimen; and
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5 WHEREAS, the *No Child Left Behind Act's* narrow focus on the
6 "basics" has discouraged the implementation of best practices
7 and cutting edge educational research in order to achieve higher
8 test scores; and
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10 WHEREAS, the *No Child Left Behind Act* has driven many
11 schools and school systems into a narrowing of curriculum, often
12 focused on only tested subjects, to the detriment of subjects
13 and rich educational experiences, such as the arts; and
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15 WHEREAS, the goal of achieving one hundred per cent
16 proficiency, including special education students, is
17 unrealistic, and the pursuit of which channels millions of
18 dollars into tactically targeted programs that divert limited
19 resources from other critical school programs, professional
20 training, as well as the educational and physical environment of
21 schools; and
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23 WHEREAS, the requirements of the *No Child Left Behind Act*
24 penalize schools who enroll students who have inherent
25 educational deficiencies and who, as a group, will continue to
26 remain below ever increasing *No Child Left Behind* "annual
27 measurable objectives"; and
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29 WHEREAS, while there has recently been some interest in the
30 development of so-called "growth models" to recognize the
31 contributions of a school to individual students over time, the
32 lack of adequate funding and the prohibition against states
33 developing their own growth models has rendered this initiative
34 almost meaningless; and
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36 WHEREAS, the *No Child Left Behind Act* does not provide
37 additional funds for teacher education or training if a school
38 is in "status" or under restructuring, which creates a punitive
39 environment with little commitment on the part of the federal
40 government for improving teaching and learning, or for
41 supporting increased school success; and
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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
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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
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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
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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,
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23 BE IT RESOLVED by the Senate of the Twenty-fourth
24 Legislature of the State of Hawaii, Regular Session of 2007,
25 that the United States Congress is strongly urged to proposed
26 specific amendments to, or recommend the repeal of, the federal
27 *No Child Left Behind Act of 2001*; and
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29 BE IT FURTHER RESOLVED, that among the issues and
30 amendments the United States Congress should address are the
31 following:
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33 (1) Improving teacher quality, preparation, and training
34 by:
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36 (A) Building support for a comprehensive incentive
37 program to recruit, place, and retain
38 experienced, well-qualified teachers in high-need
39 schools (e.g., high poverty, or geographically-
40 isolated communities);
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42 (B) Providing significant support for teacher
43 education, professional development, in-service
44 training, and career opportunities;



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



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2 (D) Supporting the development and implementation of
3 comprehensive statewide data collection and
4 exchange systems that allow for more efficient
5 support for student record keeping and informed
6 educational policy decision making (e.g.,
7 electronic student transcript systems, and
8 longitudinal analyses of growth in academic
9 achievement);
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11 (3) Improving accountability models, indicators of
12 performance, and consequences by:
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14 (A) Supporting states and the educational research
15 community in research and development efforts to
16 further the pioneering work required in refining
17 the technology underlying growth (toward
18 standards) analysis models;
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20 (B) Permitting each state to adopt and pilot its own
21 growth model to calculate adequate yearly
22 progress under the No Child Left Behind Act to
23 take advantage of inherent benefits that motivate
24 students at all levels of proficiency;
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26 (C) Supporting wholesale changes to the "adequate
27 yearly progress" model for educational
28 accountability that would provide for a fairer
29 and more balanced appraisal of school performance
30 and quality;
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32 (D) Replacing punitive, conjunctive "miss one, miss
33 all" criteria;
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35 (E) Expanding accountability indicators to reflect
36 performance on standards in other important
37 disciplines and countering unintended
38 consequences such as a narrowing of curriculum;
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40 (F) Allowing for current limitations in reliable and
41 valid assessments of students within a wide range
42 of disability classifications; and
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- 1 (G) Allowing for deferrals to test new immigrant
2 students with limited English proficiency for up
3 to three years of entering the country;
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- 5 (4) Augmenting resources to assist states in efforts to
6 accomplish challenging educational initiatives by:
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- 8 (A) Requiring schools to maintain a broad and
9 comprehensive curriculum to support adopted
10 content and performance standards, including the
11 arts and physical education;
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- 13 (B) Fully funding special education programs, as once
14 promised;
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- 16 (C) Providing adequate funding to research and
17 develop multiple and more valid means of
18 assessing student competence, skills and
19 knowledge for use in both improvement and
20 educational accountability; and
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- 22 (D) Providing funding and training support for data
23 and technology infrastructure requirements;
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- 25 (5) Supporting innovation, capacity building, and
26 flexibility to address state and local education needs
27 by:
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- 29 (A) Recognizing schools that demonstrate successful
30 strategies using innovative curriculum and
31 methodologies;
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- 33 (B) Developing new initiatives for school facilities
34 that do not push educational funding toward ever
35 larger schools and economy-of-scale construction
36 mentality;
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- 38 (C) Avoiding simplistic "one size fits all" solutions
39 for assessment, accountability, and intervention;
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- 41 (D) Addressing unique needs of "high-need" schools
42 (e.g., high poverty, high immigration, extreme
43 geographic isolation); and
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- 1 (E) Allowing states to determine which and how many
2 grade levels are best to test; and
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- 4 (6) Returning to the original intent and purpose of the
5 *Elementary and Secondary Education Act (ESEA)* by:
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- 7 (A) Restoring the foundational precepts of ESEA and
8 its focus on equity in educational attainment
9 despite disadvantages stemming from
10 socio-economic background;
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- 12 (B) Allowing states to "opt out" of requirements that
13 impact schools that do not receive ESEA
14 entitlements, without loss of federal funds;
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- 16 (C) Promoting strategies that directly reduce
17 achievement gaps through better instruction, such
18 as incentives for experienced, well-qualified
19 teachers to accept positions in high-need schools
20 and for reducing class size;
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- 22 (D) Resolving to build the best public education
23 system and teacher work force in the world,
24 rather than promoting lofty rhetoric and ploys
25 that undermine and divert public funds to private
26 schools; and
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- 28 (E) Returning policy setting and curriculum and
29 teaching decision making control back to states,
30 school districts and local communities; and
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32 BE IT FURTHER RESOLVED that certified copies of this
33 Resolution be transmitted to the President of the United States,
34 the Vice President of the United States, the President pro
35 tempore of the United States Senate, the Speaker of the United
36 States House of Representatives, and the members of Hawaii's
37 Congressional delegation.

