

**Testimony of Edward J. McElroy
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Before the Commission on No Child Left Behind
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Good morning. Thank you for this opportunity to testify before the Commission on No Child Left Behind. My name is Edward J. McElroy, and I am the president of the American Federation of Teachers (AFT). Today, on behalf of the more than 1.3 million members of the AFT, I want to talk to you about the No Child Left Behind Act (NCLB) and the effect it is having on our nation's classrooms.

Long before NCLB became law, the AFT championed its underlying principles and goals: a commitment to high academic standards, disaggregation of data so that we can see how all students are performing, a qualified teacher and well-trained paraprofessional in every classroom, and instructional supports for struggling students and the public schools they attend.

The AFT has been preparing for the reauthorization of NCLB by gathering feedback from our members on the impact the law has had on their classrooms and on their schools. We established an NCLB task force composed of our teacher leaders from across the country to discuss implementation issues and to develop recommendations to get NCLB right. AFT officers have held a series of town hall meetings with teacher and paraprofessional members nationwide to discuss how NCLB has affected teaching and learning in their classrooms.

We have prepared preliminary recommendations for the reauthorization which have been submitted for the record and you will see that they are comprehensive and reflect the real experiences of educators throughout the United States. My testimony will focus on key concerns that I hear repeatedly about the impact of NCLB and on our recommendations for addressing these concerns.

No discussion of NCLB can begin without first addressing the well-known flaws of the current adequate yearly progress (AYP) system. Commissioners, many U.S. schools are making meaningful progress with students, but the current AYP system does not capture these gains. The current AYP system misidentifies as failing thousands of schools

that are making real progress. It's demoralizing for students, parents, teachers and communities when they know that their schools are making solid academic progress, yet still see them listed in the local paper as "not making the grade."

At one recent town hall meeting on NCLB convened by the AFT, the comments of a fourth-grade teacher from Boston reflected this demoralization: "The entire reputation of our school hangs on one test," she said. "It's not about balanced curriculum, enrichment or learning anymore. It's all about 'avoiding that failing school label.'"

The AFT wants what you want: an accountability system that is fair and accurate. NCLB's AYP system needs to be refined to give schools credit for the meaningful progress they make with students. The AYP system must make the distinction between schools that need intense and multiple interventions and those that need only limited help. This will ensure that faltering schools get help when they need it and schools that are improving will not be unfairly penalized.

Educators also tell us that they are required to administer test upon test upon test, and these tests often cover the same material. Let me remind you of the testimony from an AFT member at your May hearing in Hartford:

"Over the course of this school year alone, my students have taken the Connecticut Mastery Test (8 days), the Stanford Test (3 days), District Math, Science and Social Studies Assessments (24 days so far), the 4-Sight Reading Test (10 days so far) and the SRI Lexile Test (10 days so far). This totals an approximate 55 days of testing. To this date, my students have spent an overwhelming 30 percent of their school year testing, and the academic year is still not over. That's one-third of their academic time not being spent on instruction but sitting in a desk taking a test."

This layering of tests leads to an excessive amount of what should be instructional time being diverted to testing and drill-and-kill preparation, resulting in a narrowing of the curriculum to only those subjects being tested. Students should have science, social studies, art, music – and recess. Teachers in San Antonio reported that recess has been eliminated. We are *all* going to have to figure out what we need to do to make sure our students have a well-rounded education.

Another thing we are hearing from our members is that the standardized assessments teachers give to students often are not aligned with the curriculum they teach all year. This is not the teachers' fault—the curriculum they are provided often is not

aligned either with the standards or with the tests they are asked to give. It's like being told to swim when you've just spent the last six weeks learning to ride a bicycle. Our recommendation is simple: state tests must be aligned with the state standards and the curriculum being used in classrooms. If schools are going to be judged based on test scores, the tests should measure what is being taught.

Finally, schools that are struggling academically don't get the kind of help they need and don't get the help *when* they need it. Frankly, NCLB's choice and supplemental educational services requirements are unproven interventions, and they drain resources at just the time these schools need them if they are to improve. We know that schools with difficult teaching and learning conditions need intensive and ongoing support. Educators tell me that it is only after their schools are identified as not making AYP for a number of years that any help arrives. And then that "help" is often in the form of unproven reforms like state takeovers of schools, or private management interventions that don't connect to what is happening in classrooms.

The AFT has a proven track record of collaborating to turn around truly low-performing schools. From our work in places like the Chancellor's District in New York City, the Pilot Schools in Boston, Miami/Dade's Zone Schools and the ABC Unified District in Southern California, we can share strategies that we know really work. First, the "assistance" should not punish students and their schools; it should help them. NCLB's current choice, supplemental educational services and other "school improvement" provisions are punitive, ideological, not logically sequential, and neither research- nor evidence-based. Second, interventions should reflect each school's unique challenges. One or more of the following interventions have increased student achievement in places where some had thought persistent low achievement to be intractable:

- Intensive reading and math instruction;
- Extended school day and/or year programs for students who need extra academic help;
- Materials and curricula aligned to the standards;
- Reduced class size;
- Early childhood programs;
- Research-based professional development; and

- Enhanced induction and mentoring programs.

A key component of increasing student performance in struggling schools is ensuring that all schools are able to attract and retain qualified teachers. You are probably going to hear today that union-negotiated transfer policies are the reason this nation can't get qualified experienced teachers to teach in low-performing schools. Let me tell you why that is simply not true. There are 22 states in which collective bargaining is not permitted by law. If collective bargaining contracts in any way impeded getting qualified teachers to hard-to-staff schools, these 22 states would not have a problem attracting and keeping teachers in those schools. All states have problems with recruiting and retaining teachers, and contracts are not the culprit. The AFT's analysis of nationwide data shows that in *urban districts with collective bargaining*, new teachers are evenly distributed between low-poverty schools (6.1 percent) and high-poverty schools (5.7 percent). In fact, this analysis also shows that in *places without collective bargaining*, new teachers are placed in high-poverty schools at three times the rate of low-poverty schools (10.1 percent versus 3.3 percent).

Teachers want to be effective. And schools must be places where teachers feel they can be effective. We ask too many teachers to teach and students to learn in conditions that frankly are shameful – in dilapidated school buildings, without the basic materials they need, and in unsafe conditions that are hardly conducive to teaching and learning.

The AFT believes that NCLB's stated goal of closing the achievement gap cannot be fulfilled without improving conditions in schools. Districts should be held responsible and accountable for ensuring adequate facilities, a safe and orderly school environment, and the instructional supports necessary to help students succeed. Additionally, federal, state and local resources must be marshaled to provide competitive compensation and other incentives to attract well-qualified teachers to low-performing schools – and keep them there. Finally, meaningful professional development and strong instructional leadership are essential to meeting the goals of NCLB.

Thank you again for the chance to discuss the impact of NCLB in our nation's classrooms.