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Congress of the United States
House of Representatives
Washington, DC 20515-0522

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COMMITTEE ON
FINANCIAL SERVICES
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COMMUNITY OPPORTUNITY
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ASSISTANT REPUBLICAN WHIP

The Honorable George Miller
Chairman
Committee on Education and Labor
2181 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Howard P. "Buck" McKeon
Ranking Member
Committee on Education and Labor
2101 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Miller and Ranking Member McKeon:

I am writing to share with you several recommendations regarding the No Child Left Behind Act of 2001 (NCLB) as you continue to work on developing reauthorizing legislation. As a former Trustee Member of the Kern Community College District, I still remember how students enrolling in community colleges were not prepared to pursue a higher education because they had not obtained an adequate academic foundation in kindergarten through twelfth grade. Subsequently, I support the intent and underlying principles of NCLB, including holding students, teachers, and school administrators accountable, so our children have the skills and knowledge to be successful in their endeavors. As our schools educate the future leaders of the United States, it is important to remember that foreign countries will show no sympathy for us if America cannot compete in a globalized world because of an undereducated populous.

As NCLB is set to expire later this year, I have met with many parents, teachers, principals, and superintendents from across my district this past year who all have expressed concerns regarding their experience with NCLB. Their comments and opinions weigh heavily on me given the fact these individuals work on a daily basis with our children and are primarily responsible for working under the provisions of the law. As I continue holding these meetings, I have noticed the emergence of several recurring universal themes. While there is a litany of areas of NCLB that must be reviewed, I strongly feel the below five recommendations ought to be incorporated into any NCLB reauthorization legislation.

1. Growth Models

Expanded use of growth models should be included in reauthorization legislation, as these models focus on individual student growth rather than snapshots of classes or schools at any given time period. As each of my children learn and grow at different paces, I do not expect both of them to be at the same point at the same time. Growth models reflect the

reality in the classroom that not all students start at the same level and progress at the same speed. This model focuses on the individuality of each student and individual students' growth or lack of growth. For Adequate Yearly Progress (AYP) purposes, growth models also more accurately reflect the efforts of teachers as they educate their students, especially those with less than rigorous prior academic instruction. Thus, I and the vast majority of teachers and school administrators in my district that I have talked to strongly support the inclusion of growth models in NCLB reauthorization legislation.

2. Highly Qualified Teachers

It is self-evident that everyone wants the best qualified and most effective teachers in the classroom. However, many teachers and school administrators informed me that current Highly Qualified Teacher (HQT) requirements do not guarantee teachers are successful or can effectively relate to their students. Subsequently, my constituents and I generally believe that NCLB reauthorization legislation ought to better empower states, in collaboration with school districts, with the responsibility of identifying and certifying effective teachers. By requiring teachers to obtain additional, multiple degrees and certifications, on top of an already intensive certification and training process, such as California's, the costs associated with this can be prohibitive, resulting in turning potential educators away from the field. In addition, these requirements disproportionately adversely impact small or rural school districts that do not have the resources to recruit or attract highly qualified teachers that wealthier districts have. Most states, including California, have teacher certification programs that enable qualified teachers to teach additional subjects outside of their core area. Many teachers and I also believe that NCLB reauthorization legislation should provide more deference to state certification programs, as long as they reflect the principles of HQT requirements, and recognize that prescriptive federal mandates are not always the answer.

3. Assessment Participation Rates

Student assessment is a vital and important tool to measure our children's academic growth as they complete their primary and secondary educations. The most ideal way to ensure that no one child is left behind is to test 100% of the students; however, this does not reflect reality. Many teachers and school administrators have informed me that their students are making adequate yearly progress on substance, but schools continue to fail AYP because of the unrealistically high 95% student assessment participation rate. Administrators state that because of absences and parents who choose to exempt their children from testing as they are empowered to do under the law, that the 95% rate should not be a single factor in determining AYP for a district. Generally, education officials would like to see a new mandatory student assessment participation rate of 85% or 90%, which more closely reflect attendance realities and account for parental exemptions for their children. I believe this is an important issue that needs to be thoroughly reviewed by the Committee and included in NCLB reauthorization legislation, provided it can be structured in such a fashion to ensure continued teacher, school, and student accountability.

4. English Language Learners (ELL)

I believe that the federal government's inability to secure our borders and then address other immigration-related issues, combined with current NCLB provisions regarding ELL students, ultimately penalize our schools. By securing our borders and enforcing current law governing individuals who wish to enter our country, our children and schools can be more successful and not overwhelmed.

While I support making English the official language of the United States, I also strongly believe that our children need to receive a first-rate education. To do this, my teachers and school administrators tell me there needs to be additional flexibility for limited English proficient students to be assessed in their primary language for up to five years and, on a case-by-case basis, an additional two years as well. I hope the Committee will carefully and thoroughly examine this issue with the understanding that some schools, especially in California, have large ELL student populations that are highly mobile, which can result in inconsistent English language instruction.

In addition, I have been informed that current ELL subgroup accountability mechanisms do not accurately reflect the number of students who "graduate" out of this subgroup once they are English proficient. There is an assumption built into NCLB that all ELL students have the same profile, which is inaccurate as these students range in their English-speaking abilities. Testing this subgroup without including ELL students who "graduated" (at least for some period of time) results in the mistaken appearance that our schools are not teaching these students English, or subject area content for that matter. In other words, as students become proficient and leave the subgroup designation and new students enter the subgroup, the net effect, under the current apparatus, results in the appearance that our schools are not making any adequate progress teaching English or subject matter to ELL students.

Subsequently, I support my school administrators' recommendation that NCLB reauthorization legislation include provisions that enable ELL students to remain in their subgroup classification, for accountability purposes only, after attaining English proficiency for up to three years. I strongly support this commonsense reform which provides us, as policymakers, more accurate data that better reflects the efforts and successes of our teachers who are teaching the English language to ELL students.

5. Program Improvement & Accountability

Increased accountability of teachers, school administrators, and students through NCLB has led to many improvements benefitting our children in kindergarten all the way through twelfth grade. Since enactment of NCLB in 2001, unfortunately, many schools have not been able to make AYP for one reason or another and are required to take corrective actions. School officials in my district recommend that NCLB reauthorization legislation include more flexible program improvement and corrective action provisions. This modification would enable local education agencies and state education agencies to focus

attention and resources on the specific student population, subgroup, or subject area that caused the school to miss its AYP, instead of requiring the entire school to enter program improvement. This is a commonsense reform I believe the Committee should carefully review and include in reauthorization legislation in order to empower administrators and teachers, who are intimately knowledgeable with areas of student non-proficiency, with the flexibility to target funds and corrective actions for student subgroups or subject areas that need them the most.

As initially stated, these are five of the top recommendations I received that generally have support from across the education community in my district. Therefore, I respectfully request that you review these important recommendations as the Committee develops NCLB reauthorization legislation. Thank you for your attention on this important matter, and I look forward to working with you in the future on this subject. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kevin McCarthy". The signature is written in a cursive, slightly stylized font.

KEVIN McCARTHY
Member of Congress