

U.S. House of Representatives  
Washington, DC 20515

October 16, 2007

Dear Colleague:

We are writing to clarify a misunderstanding that is circulating about the Congressional Black Caucus' position on the reauthorization of No Child Left Behind (NCLB) and the draft language that Chairman Miller and Ranking Member McKeon shared in August 2007. We also would like to take this opportunity to share our personal views on the proposed legislation.

As we all know, the reauthorization of NCLB is a very important and very complex issue. While a quality education for all children is certainly a priority for all members of the CBC, we respect the right of each CBC member to evaluate the specific legislation as it moves through the legislative process and to take whatever final position he or she sees fit. Therefore, there is no single CBC position on this issue.

At the same time, we want you to know that as members of the Education and Labor Committee and as Co-Chairs of the CBC Education Task Force, we are working very closely with Chairman Miller and his staff to ensure that the legislation introduced in the U.S. House of Representatives will address CBC concerns and priorities as laid out in the CBC testimony on May 16, 2007, and in the CBC position paper on NCLB and Education Reform. Chairman Miller has worked actively to include the concerns of CBC members in this process, evidenced by frequent outreach to CBC members to understand their concerns and the integration of multiple issues within the bill he intends to introduce. We both are pleased with the open process by which Chairman Miller has conducted the reauthorization proceedings thus far. We commend him for his diligence and efforts to introduce a quality bill that addresses issues of concern to the CBC and other congressional caucuses, as well as outside stakeholders and interested parties.

We would like to highlight for you several key provisions of the Miller-McKeon draft that address CBC's stated priorities:

**Implementation of key programs to help close the achievement gap.** We know that effective teaching is one of the most important factors in student success. Unfortunately, high minority and high poverty schools have a disproportionate number of inexperienced teachers. The draft does much to address this inequity. It requires states and local districts to address any discrepancies in the distribution of quality teachers as a condition of receiving NCLB Title II funding and to provide equal opportunities for students as a condition of receiving Title I funding. It removes loopholes in state and local funding formulas that currently allow substantial funding gaps between schools and that contribute to the achievement gap. It implements new programs to bring high quality teachers, leadership, and programs to high need schools. It requires the collection of data by race and gender so that we understand how all groups of children are performing and so that we can best develop interventions to promote success. Also, it targets monies for smaller class sizes, especially in the early grades where the research shows that class size has the greatest effect.

**Provision of critical supports to make real progress toward decreasing the number of dropouts and increasing graduation rates.** Research clearly demonstrates that dropping out has major consequences on one's future earnings and social adjustment. The draft ensures strong graduation rate accountability by requiring the disaggregation of graduation rate data as well as a rigorous, but reasonable, rate of growth in graduation rates that all schools must reach to make adequate yearly progress. No longer will schools be

deemed successful while large numbers of students are dropping out. The draft also establishes comprehensive, research-based reforms in the lowest performing high schools. It also creates a significant new fund to help high schools with the lowest graduation rates make school-wide reforms.

**Inclusion of programs to improve teacher quality.** In order to close the student achievement gap we must also work to close the quality teacher gap. Teachers deserve support, and teachers who work hard and demonstrate excellence in their work deserve to be rewarded. The Miller-McKeon discussion draft includes career advancement ladders, professional development opportunities, and programs that would provide mentors to new teachers. The draft also offers *bonuses* to exemplary teachers and principals in low-income, high minority schools as a means of attracting teachers to and retaining them in high need schools. The draft requires teachers to be rated as “exemplary” based on a number of factors, including student learning gains, evaluations conducted by the principal, and evaluations conducted by master teachers; it prohibits school districts from rating teachers on the basis of student test scores alone. These districts must also create better working environments for teachers, such as ensuring the availability of classroom materials, textbooks and supplies, improving or modernizing school facilities, and improving school safety. Moreover, because teacher support is critical for success, school districts that choose to apply for these funds to award bonuses must have the support of the local teacher organization.

**Improvement of the system by which we measure student progress.** The current system encourages schools to focus their attention on students who perform just above or just below the passing level. The Miller-McKeon discussion draft implements innovative new models that continue to hold states accountable for the achievement of all students while rewarding the progress of all students. The draft also better defines success, recognizing that a one-shot standardized test does not reflect the sum total of student learning. Rather, the draft maintains accountability while reducing the reliance on standardized testing in many ways, including the use of multiple indicators and local performance-based assessments.

**Adoption of a more resource-intensive approach to intervention.** A key deficiency in current law involves a one-size-fits-all approach to designing interventions that are not based on any evidence of impact on schools, rather than providing needed supports to help struggling schools. The draft distinguishes between schools based on whether they are close to making adequately yearly progress or are chronically underperforming. Further, it allows differentiated interventions tailored to the needs of the schools and based on research about what actually helps schools and students.

Chairman Miller continues to engage members and stakeholders alike to address their issues of concern. In addition to the key provisions above, we continue to negotiate with him to strengthen some portions of the bill.

The preparation for reauthorization of NCLB has been a rigorous process. Overall, we believe that the bill that will be introduced will improve the quality of education that children receive regardless of race, ethnicity, income or disability. At the same time, it will address the problems with NCLB about which we are acutely aware after five years in effect. It will improve student achievement, further close the achievement gap, simplify implementation, and allow for flexibility where needed.

Given the political context, failure to pass a strong bill now will result in at least a two-to-three year delay in reauthorization, causing significant detrimental effects in our districts. Current law requires schools that do not make adequate yearly progress for six years to restructure. This deadline would cause large percentages of schools in our districts to undergo dramatic changes, unnecessarily causing incredible disruption in our local communities. In contrast, the reauthorization will dramatically change the intervention process for schools that do not make adequate yearly progress. Under the Miller-McKeon draft, schools that are underperforming will be given supports to address the obstacles they face rather than penalized. In order to assist these schools, it is imperative that we act now.

Five years down the road, we may realize we did not create a perfect bill; few ever are. We may not embrace every element of the bill with open arms; however, we feel it would be a disservice to our children to ignore the deficiencies that we know exist, and we believe we would be remiss if we did not take this opportunity to work together to try to correct them.

If you have any questions about the provisions discussed above, we urge you to contact our offices or the Education and Labor Committee directly.

Very truly yours,

Robert C. "Bobby" Scott  
Member, Education and Labor Committee  
Co-Chair, CBC Education Task Force

Danny K. Davis  
Member, Education and Labor Committee  
Co-Chair, CBC Education Task Force