U.S. Commission on Civil Rights

Education Accountability and High-Stakes Testing in the Carolinas

Briefing Summary

February 2003

The U.S. Commission on Civil Rights is conducting a study of accountability issues in elementary and secondary education. In focusing on the topic, the Commission hosted a briefing on February 6, 2003, in Charlotte, North Carolina, to examine the effect of national and local reform measures and high-stakes testing in North and South Carolina. One of the most significant reforms to take place is the passage of *No Child Left Behind.* This legislation, signed by President Bush on January 8, 2002, changes the federal government's role in kindergarten-through-grade-12 education by asking America's schools to describe their success in terms of what each student accomplishes. The act is based on four education reform principles: stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work.1[1] The Commission's preliminary research on education reform and *No Child Left Behind* reveals that standards-based education reform must not only hold students, parents, teachers, and administrators accountable, but it must also provide them sufficient resources and support.

The Commission's briefing helped to illuminate several components of education reform that require the attention of policymakers, including:

- sufficient funding for accountability and testing programs;
- proper alignment of curriculum and assessment;
- adequate teacher preparation to ensure quality instruction for every student;
- inclusive assessment techniques that guarantee English language learners and students with disabilities will not be left behind;
- remediation for low-performing students; and
- information sharing with parents to encourage their involvement in the education accountability.

The testimony of the parents, teachers, state and local administrators, policy analysts, and advocates who presented at the briefing highlighted the importance of evaluating the use and effect of high-stakes testing. High-stakes testing generally refers to standardized tests whose results are used to determine a student's promotion from one grade to the next and/or graduation from school. Specifically, the panelists underscored the need for schools, schools districts, and policymakers to:

1[1] U.S. Department of Education, "No Child Left Behind Overview," <http://www.nclb.gov>.

- continue evaluating the effectiveness of high-stakes testing on student performance;
- monitor and evaluate the impact of high-stakes testing of specific student populations, especially students of color adversely affected by the vestiges of segregation, students in underfunded and understaffed rural and inner-city schools, and students with disabilities and limited English proficiency; and
- improve the accuracy of the methods used to measure student achievement.

This summary highlights the areas of most concern to those within and affected by the education system. The summary also includes a review of the issues discussed during the Commission's February 2003 education accountability briefing.

EDUCATION REFORM AND ACCOUNTABILITY IN THE CAROLINAS

Creating Challenging Curriculum and Performance Standards

The four principles of education reform and accountability measures set out in *No Child Left Behind* were already in place and being used in both North Carolina and South Carolina public schools at the time the legislation was passed. In fact, the critical principles of the accountability systems of both of these states bear strong resemblance to those of *No Child Left Behind*. Each state law has provisions similar to *No Child Left Behind* that are designed to hold policymakers and educators accountable for student performance, to increase local monitoring and programming related to performance levels, and to enhance professional development for teachers.

In 1996, North Carolina implemented its education reform measure for elementary schools, and the following year accountability measures were in place for high schools. In 1998, South Carolina passed the Education Accountability Act, which established a performance-based accountability system for public education. The South Carolina Act has two primary goals, improving teaching and providing students with strong academic skills.

North Carolina's "ABC" school accountability system is aimed at holding schools accountable for teaching the basic skills of reading, math, and writing, while giving schools more local control.2[2] North Carolina's curriculum, based on its Standard Course of Study, is intended to provide a set of goals that every child should learn at each grade level.3[3] However, Judge Howard Manning, who presided over the landmark case *Leandro v. North Carolina*,4[4] considers the statewide curriculum standards a "joke" because high school students are only

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2[2] *See* "Overall Impact of Reforms in the Carolinas" below for key provisions of the North Carolina accountability plan.

3[3] Evan Myers, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 186.

4[4] Leandro v. State, 346 N.C. 336, 488 S.E.2d 249 (1997) (defining the constitutional requirements for a "sound, basic education" in North Carolina).

required to pass an eighth-grade competency test in order to graduate.5[5] According to Margaret Carnes, managing director of Charlotte Advocates for Education, the percentage of correct answers needed to pass math and reading tests is so low in the state that parents cannot be assured that their children are adequately grasping these core subjects.6[6]

In addition to complying with state mandates and standards, Charlotte-Mecklenburg Public Schools (CMS) has also established "Goals 2005," which identifies its targets for success over the next two years. Specifically, CMS aims to ensure that:

- 95 percent of the students perform at or above grade level in reading and math;
- 50 percent of the students reach the highest level of academic achievement;
- 60 percent of eighth graders take algebra and pass the state's end-of-course assessment; and
- 75 percent of the students taking advanced placement or international baccalaureate tests pass these tests. (Half of the graduating students currently take either test.)7[7]

CMS establishes yearly targets designed to achieve its goals and uses what it calls "Project Charters" to align all school activity to the achievement targets.8[8] CMS also has a program called "EquityPlus II" to manage resources so that schools with the greatest need have adequate resources, including instructional supplies and teachers.9[9] Dr. Eric Smith, the former superintendent of Charlotte-Mecklenburg Public Schools, focused on the need to redefine the curriculum content and delivery methods so that students and teachers were challenged to meet more rigorous standards of performance.10[10] According to current CMS superintendent, Dr. James Pughsley, CMS teachers use daily written lesson plans, and quarterly assessments (aligned with instructional pacing guides) are given throughout the district so that student progress is tracked and interventions are arranged for struggling students.11[11] Teachers may receive bonuses from the state and the CMS district for improved student performance.

5[5] Howard Manning, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 21.

6[6] *See* Margaret Carnes, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, pp. 198–99.

7[7] Dr. James L. Pughsley, "Testimony Presented to the United States Commission on Civil Rights," Feb. 6, 2003, p. 1 (hereafter cited as Pughsley, Written Submission).

8[8] Dr. James L. Pughsley, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 3.

9[9] Pughsley, Written Submission, p. 3.

10[10] Dr. Eric Smith, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, pp. 13–15.

11[11] Pughsley, Written Submission, p. 3.

The South Carolina Education Accountability Act, modeled on the education programs in Texas, North Carolina, and Virginia, is consistent with the provisions set out in *No Child Left Behind*. South Carolina requires, among other provisions, end-of-course exams in grades 9 through 12; the use of assessments in math, English/language arts, science, and social studies in grades 3 through 8 and at least once in grades 10 through 12; the creation of special academic plans for low-performing students; public reporting of schoolwide performance levels; and state intervention for low-performing schools.12[12] The state's plan has received national attention for the rigorous standards it imposes. According to South Carolina's Department of Education, the state has been recognized as being one of the six states with the toughest proficiency standards in the nation. State Superintendent of Education Inez Tenenbaum has previously stated that South Carolina's challenge now is to meet the lofty and laudable goals of *No Child Left Behind* without lowering the bar on what the state considers to be proficiency. Superintendent Tenenbaum believes that school systems in some states have, unfortunately, lowered the bar in response to *No Child Left Behind*.13[13]

As schools move toward implementing *No Child Left Behind*, many school officials are reporting that the requirement to show annual yearly progress (AYP) on tests, for all student subgroups, will result in a majority of the schools in the country being identified as low performing.14[14] In North Carolina, it is estimated that 60 percent of the schools will not meet the federal standards, and in Louisiana, officials estimate that 85 percent of the schools would be identified as low performing under *No Child Left Behind* within three years.15[15] According to Dr. Michael E. Ward, superintendent of North Carolina schools and president of the Council of Chief State School Officers, *No Child Left Behind* is a piece of legislation that has "very worthy goals" but is at risk of being undermined by its "own negative weight."16[16]

Alignment of Curriculum and Assessments

School administrators continue to be pressed to provide clear guidance in the establishment of standards-based approaches to improving student performance. It is imperative that they identify the goals of content and performance standards, align those standards with curriculum, provide reasonable accommodations in assessments for limited English proficiency and disabled students, and disaggregate their student data to allow for the tracking of student performance by race, gender, disability, English proficiency, and income.

12[12] Dr. Jo Anne Anderson, "Presentation to the United States Commission on Civil Rights," Appendix A, Feb. 6, 2003, pp. 17–18 (hereafter cited as Anderson, Written Submission).

13[13] South Carolina Department of Education, Office of Public Information, "South Carolina Submits Accountability Plan for U.S. Department of Education Approval," press release, Jan. 30, 2003, p. 2.

14[14] Michael A. Fletcher, "States Worry New Law Sets Schools Up to Fail," *Washington Post*, Jan. 2, 2003, p. A8.

15[15] Ibid.

16[16] Ibid.

Current accountability systems generally begin with a set of goals to be attained. These goals or content standards should induce alignment between teaching and the assessment of student performance. In the 2000–2001 school year, North Carolina implemented its assessment measures with the "Gateways Program." This program requires that students be tested at the end of each grade before being promoted in grades 3, 5, and 8, and before graduation from high school.17[17] Within each "gateway," students are expected to demonstrate their proficiency in reading, math, and writing by meeting, at least, the minimum levels of performance on an end-of-grade test before they can move to the next grade.

Dr. Helen Ladd, a professor of public policy studies and economics at Duke University, characterized North Carolina's ABC program as a "sophisticated and well-designed accountability system" when compared with those in other states.18[18] She noted that some of the strengths of the program include the existence of a clear statewide curriculum that is aligned with the assessment standards, and school-centered, rather than student-centered, accountability measures. Margaret Carnes with Charlotte Advocates for Education, however, described the standards set for achievement as too low. But she did praise the North Carolina system for aligning content and performance standards.19[19]

A 2001 nationwide study by the American Federation of Teachers recognized that both North and South Carolina have standards that are clear, specific, and grounded in content; however, the study criticized both states for having inadequate alignment between their curriculum and assessments.20[20] To achieve proper alignment, the study suggests that South Carolina strengthen its curriculum in all areas and that both states develop materials that specify the elementary and middle level standards assessed on the their tests. By comparison, the Princeton Review, in its 2002 annual study of accountability systems across the country, ranks North Carolina first for having the best accountability program, while South Carolina ties for eighth place.21[21]

South Carolina's primary curriculum and assessment tools were overhauled during the 1999–2000 school year. The state began by instituting new curriculum frameworks outlining broad goals in each subject area, and specifying what students should know and be able to do as they progress through school. In addition, outdated assessment measures were replaced with the

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17[17] There are four Gateways: Gateway 1 for grade 3, Gateway 2 for grade 5, Gateway 3 for grade 8, and Gateway 4 for high school. *See* North Carolina Public Schools, "Statewide Student Accountability Standards," <www.ncpublicschools.org/student_promotion/glance.htm>.

18[18] Dr. Helen Ladd, testimony, before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 169.

19[19] Carnes Testimony, Briefing Transcript, p. 196.

20[20] American Federation of Teachers, *Making Standards Matter 2001: A Fifty-State Report on Efforts to Implement a Standards-Based System*, 2001, pp. 25, 121.

21[21] Princeton Review, *Testing the Testers 2002: An Annual Ranking of State Accountability Systems*, 2002, pp. 1–2.

Palmetto Achievement Challenge Test (PACT), which is administered at the end of grades 3 through 8 in mathematics, reading/English language arts, science, and social studies.22[22] The PACT is also given before graduation from high school. Considered to be a more comprehensive measure of student knowledge and ability, the PACT requires students to complete essays, show math calculations, complete charts or diagrams, and edit paragraphs. Passing scores are ranked in one of four categories: Below Basic, Basic, Proficient, and Advanced.23[23] A rating of Proficient or above indicates that the student is well prepared for the next grade level.

Subsequently, in May 2002, South Carolina's Department of Education and its Education Oversight Committee implemented guidelines for the development and review of uniform statewide curriculum and assessments. This policy was intended to make state-level standards "clear, complete and comprehensible for all audiences" and to "provide the foundation for the development of curriculum at the district level."24[24]

In North Carolina, Charlotte-Mecklenburg schools focused on curriculum alignment as the initial means of raising student achievement levels in the county. CMS instituted a system to identify goals and measures and yearly targets that mark progress, and then aligned all school district activities to those targets.25[25] In 2002, CMS reduced the gap in achievement between African American and white students in fourth- and fifth-grade mathematics by 18 percentage points.1[26] According to Dr. Pughsley, superintendent of public schools in Charlotte-Mecklenburg County, the improvement in performance results from "providing access to core learning for all students and then accelerating their learning so they can participate in higher level opportunities."[27]

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Disaggregated Data Collection

An interesting component of North Carolina's accountability system is the state's system of collecting and disaggregating data on student achievement. Currently, North Carolina's

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22[22] Consortium for Policy Research in Education, *Assessment and Accountability in the Fifty States: 1999–2000*, June 2000, p. 1.

23[23] South Carolina Education Committee, *Where Are We Now? South Carolina's Progress to the 2010 Education Goal*, December 2002. *See also* South Carolina Department of Education, "Students Improve Performance on PACT; Gains Made by African-American, Low-Income Students," press release, Oct. 4, 2002, p. 2.

24[24] South Carolina Department of Education, Office of Curriculum and Standards, *Standard Operating Procedure for the Cyclical Review of the South Carolina Pre K–12 Academic Standards and for the Development of New Academic Standards*, May 2002, p. 1.

25[25] Pughsley Testimony, Briefing Transcript, p. 96.

26[26] Ibid., p. 93.

27[27] Ibid., p. 95.

Department of Public Instruction disaggregates data for its students in 30 different subgroups.28[28] Locally, teachers in Charlotte-Mecklenburg may receive bonuses based on the overall achievement levels of student groups, disaggregated according to race, ethnicity, socioeconomic status, and prior performance.29[29] Thus, every student group's performance level must be closely monitored.

One result of Charlotte-Mecklenburg's practice of disaggregating data is that achievement gaps between student groups became clear. Data from 1995 and 1996 showed that in Charlotte-Mecklenburg schools, 59 percent of fifth-grade students were reading at grade level, as measured by the state assessment test. However, when the numbers were disaggregated by race, 65 percent of the African Americans were performing below grade level. While gaps such as this one have been slowly shrinking, they are not yet closed.

During the briefing Dr. Marvin Pittman, director of the Division of School Improvement at North Carolina's Department of Public Instruction, credited the state superintendent, Dr. Michael Ward, with devising a 10-point plan to address the disparity in achievement levels among students.30[30] The state's plan included the creation of a new section within the superintendent's office called Closing the Achievement Gap, as well as the creation of the North Carolina Commission on Raising Achievement and Closing Gaps. The state commission, based on disaggregated data, identified several problems in the state's education system that contribute to the achievement gap, including disproportionate numbers of minority students in special education or low-level courses, lack of minority parental involvement, and inadequate teacher preparation when working with minority or disadvantaged students.31[31]

The significance of tracking and publicly reporting disaggregated data remains to be seen as the provisions of *No Child Left Behind*, which requires administrators to do so, begin to be implemented around the country.

Accommodating and Including Students with Disabilities and Limited English Proficiency

Students with Disabilities

Students with disabilities are often overlooked or left out of accountability schemes. Traditionally, this student group was excluded from general curriculum and assessments based on the assumption that they would not perform well on tests or meet the same standards

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28[28] North Carolina Public Schools, "Reports of Supplemental Disaggregated State, School System (LEA) and School Performance Data for 2000–2002," <www.ncpublicschools.org/vol2/rsds2002/index.html> (hereafter cited as North Carolina Public Schools, "Reports of Supplemental Disaggregated Data").

29[29] Pughsley Testimony, Briefing Transcript, pp. 98–99.

30[30] Dr. Marvin Pittman, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 111.

31[31] Ibid., pp. 114–16.

established for other students. Rachel Quenemoen, senior research fellow with the National Center on Education Outcomes at the University of Minnesota, attributed this practice of exclusion to "what President Bush has called soft bigotry of low expectations."32[32] Researchers have found that students with disabilities face systematic and institutionalized low expectations that have been internalized by most educators.33[33] However, a promising trend has been recognized, particularly since the passage of *No Child Left Behind*, with inclusive assessments and instructional accommodations in testing being implemented more frequently across the country.

While Charlotte-Mecklenburg schools' placement process is intended to challenge more students to meet the rigorous standards of an advanced placement, higher level curriculum, it has resulted in a disproportionate number of economically disadvantaged, minority students being left in lower level or special education courses.34[34] Additionally, inexperienced, less qualified teachers who may be poorly equipped to train disadvantaged or at-risk students often staff these courses. According to Connie Hawkins, executive director of the Exceptional Children's Assistance Center, 60 percent of the teachers of behaviorally and emotionally disabled children in North Carolina are not certified.35[35]

Another systemic problem is the growing number of students being retained in grade or being identified as needing special education due to poor test performance. Ms. Hawkins contended that the root cause of this problem is a lack of quality teachers. She stated that there are hundreds of thousands of children in special education who are only there because of lack of instruction.36[36] Dr. Pittman acknowledged that if those training potential teachers have no experience teaching a diverse student population, newly hired teachers will "bring that same baggage with them."37[37]

Two parents of special education students in North Carolina, Ruby Jones and Vernita Miller, shared stories of their children being shuttled between schools and retained in grade, after failing to receive adequate assistance from their teachers or information from the school system.38[38]

32[32] Rachel Quenemoen, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 120.

33[33] Ibid., p. 126.

34[34] Jenkins Testimony, Briefing Transcript, pp. 107–08.

35[35] Connie Hawkins, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 129.

36[36] Ibid.

37[37] Pittman Testimony, Briefing Transcript, p. 162.

38[38] Vernita Miller and Ruby Jones, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, pp. 131–33. Dr. Pughsley assured the Commission that his office would follow up on the situations reported to the Commission by these parents. *See* Pughsley Testimony, Briefing Transcript, pp. 142, 144.

Dr. Pittman agreed that from the state's perspective, there was no benefit in retaining these students without a Personalized Education Plan (PEP) being developed to provide them with the necessary remedial assistance.

Students with Limited English Proficiency

Students with limited English proficiency (LEP) face similar challenges. The Department of Education, Office of Bilingual Education and Minority Languages Affairs, sponsored a symposium to address concerns raised by educators and policymakers about high-stakes testing. According to a report on the symposium, "[I]n many states and local school districts, ELLs [English language learners] are routinely excluded from participating in such assessment activities. In others, ELLs are inappropriately included in the testing programs without adequate accommodations that take into account the level of English language fluency the students bring with them to the testing situation."39[39] The fairness of testing these students has been challenged because the tests, often given only in English, result in very low passage rates, even though many LEP students could, in fact, exceed the performance levels if the test were given in their native language.

North Carolina, for example, has specific guidelines in place for educators to accommodate LEP students. Among other provisions, the North Carolina Statewide Testing Program allows for certain procedural modifications, including testing in a separate room, granting extended time, having a test administrator read the test aloud in English, and making an English/native language dictionary or English/native language electronic translator available during the test.40[40] State reports show an improvement in the performance of North Carolina's LEP students. The results for 2001–2002 show that out of 6,280 LEP students assessed, 64.7 percent increased at least one proficiency level one year following their initial assessment given upon entering the school system.41[41]

South Carolina recognizes that it has yet to make significant progress on LEP issues. According to the South Carolina Oversight Committee, the state is just now beginning to see an increase in the number of Hispanic and Asian students. Unfortunately, these students are moving into areas of the state where the schools are least prepared to handle LEP instruction. So, in order to attempt to meet the needs of this increasing student population, the state is working to "provide teachers with specialized training, expand non-English materials, and create opportunities for the multiple cultures to blend."42[42] Few specifics were provided as to how South Carolina would implement these early efforts. However, Dr. Jo Anne Anderson, executive director of the

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39[39] *See* National Clearinghouse for Bilingual Education, the George Washington University, *High Stakes Testing Assessment: A Research Agenda for English Language Learners*, Symposium Summary, October 1997.

40[40] North Carolina Public Schools, "Guidelines for Testing Students with Limited English Proficiency," <www.ncpublicschools.org/accountability/testing/alternate/lep/#modifications>.

41[41] North Carolina Public Schools, "Reports of Supplemental Disaggregated Data."

42[42] Anderson, Written Submission, p. 13.

Educational Oversight Committee in South Carolina, noted that even these early and limited efforts threaten to strain local budgets and compromise the quality of the learning experience.43[43]

Meaningful Remediation Measures

Students who fail to meet the required standards established by school administrators may be entitled to additional assistance to improve their performance. Common intervention or remediation measures include one-on-one tutoring, reduced class size, and customized education plans. Under *No Child Left Behind*, parents of children in a consistently low-performing public school may be given assistance to relocate their students to a better performing public school.

North Carolina statewide standards mandate that any student not meeting the minimum level of performance must be assigned a Personalized Education Plan (PEP), which includes a diagnostic evaluation, intervention strategies, and a monitoring component.44[44] The PEP is developed and monitored by the student's PEP team, which consists of parents or guardians, teachers, social workers, principals, and other personnel who can assess the student's academic and nonacademic needs. Each PEP team member is assigned a component of the PEP to track the student's progress in that area. Depending on the student's needs, a PEP can require before-, during-, or after-school remedial help, language services, an individual behavior plan, summer school, or any other service that will result in improved academic performance.

In South Carolina, the state's accountability law also requires schools to develop an individual Academic Plan for Students (APS) for those students in grades 3 through 8 who fail to meet grade-level standards.45[45] Once a student qualifies for an APS, the school schedules a conference with the student's parents or legal guardian, in order to identify specific areas of weakness and to state the objectives of the APS. The school may then schedule the student for remedial assistance through one of several means:

- extended day/weekend programs (e.g., homework centers);
- classes with a reduction in pupil/teacher ratio;
- additional classes or study aids/tools;
- focused study or tutoring in a particular area;
- summer school; or
- computer-assisted instruction.

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It is important to note that these programs were developed to intervene on behalf of a low-performing student, before that student is denied promotion or graduation, or even tracked for

43[43] Ibid.

44[44] North Carolina Public Schools, "Reports of Supplemental Disaggregated Data." *See also* Manning testimony, pp. 22–25.

45[45] South Carolina Department of Education, *Guidelines for Academic Plans for Students*, November 2001, pp. 2–3.

special education. Therefore, an effectively structured PEP or APS can have a significant impact on a student's academic potential and achievement on assessments.

Highly Qualified and Experienced Teachers

Initial emphasis must be placed on professional development for teachers, in order to enhance the quality of their instruction and improve the chances that students will perform well on assessments. Judge Howard Manning noted that it is crucial for students to have competent, certified teachers teaching North Carolina's Standard Course of Study, which is the statewide curriculum, in a manner that is understandable and accessible to all children.46[46] He added that principals who are strong school leaders and competent administrators are also important. In the words of Judge Manning, "you've got to have a principal in that school who's doing more than sitting in the office drinking coffee. They've got to be a school leader and they've got to know what the heck they're doing."47[47]

According to Evan Myers, a middle school principal in North Carolina, one approach that has been successful is the use of assistance teams composed of teachers who go into low-performing schools and work with other teachers to develop instructional strategies that best meet the needs of the school's students.48[48] Principal Myers added that his school has after-school tutorial programs every day, where all teachers are required to teach one hour per week in reading and math.49[49]

Janet Jenkins, middle school mathematics coordinator for Charlotte-Mecklenburg schools, explained that CMS administration provides all teachers with supporting materials such as daily instructional calendars, alignment guides, focus lessons, and mini- and quarterly assessments to ensure that instruction meets the expectations established by the North Carolina Standard Course of Study. These materials are especially helpful in training inexperienced or lateral-entry teachers, who may also be assigned a master teacher to serve as their mentor.50[50] The school district also collaborates with the University of North Carolina at Charlotte to offer CMS teachers undergraduate and graduate-level math courses, in an effort to increase their content knowledge and provide them with quality instructional strategies.51[51]

Dr. Anderson stated that her analysis of the data related to student performance reveals that students succeed in school when administrators have been in their position for two or more

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46[46] Manning Testimony, Briefing Transcript, p. 25.

47[47] Ibid., pp. 25–26.

48[48] Myers Testimony, Briefing Transcript, p. 187.

49[49] Ibid., pp. 191–92.

50[50] Jenkins Testimony, Briefing Transcript, pp. 102, 104.

51[51] Ibid., p. 103.

years; when teachers hold advanced degrees, are under a continuing contract, and return to the same the school year after year; and when parents interact with teachers.52[52] Data from South Carolina reveal that in underperforming schools, the average turnover rate for school administrators is 50 percent per year, i.e., every other year there is a new administrator. Combine this rate with a teacher turnover rate between 25 and 30 percent over a three-year period, and it is clear that administrators and teachers are obtaining their basic experience in underperforming schools but are quickly moving on to better performing schools.53[53] In sum, the data show that stability in school leadership and classroom teacher population encourages success, however, stability is lacking in the very schools where it is needed most.

Research conducted by Dr. Gary Sykes, professor of educational administration and teacher education at Michigan State University, reveals that teacher quality is crucial for student learning, especially in the case of low-performing students and schools. Dr. Sykes discovered that poor and minority children increasingly cluster in resegregated schools, both urban and rural, and are less likely than others to be taught by a qualified teacher. Dr. Sykes stated that "this fundamental condition is due largely to patterns of attrition from schools, not from the inadequate supply overall." He recommended that school districts take a closer look at "alternative route programs" such as those that speed recruits into hard-to-staff classrooms, without negating the credentials required to allow those recruits to teach.54[54] Dr. Anderson voiced concern that programs such as teacher loan forgiveness that encourage new and inexperienced teachers to teach in the most challenging schools may be counterproductive because these schools require the most experienced and qualified educators.55[55]

A system of rewards and financial incentives is being used in North Carolina and in schools around the country to motivate teachers and improve instruction in low-performing schools. Teachers in schools showing marked improvement receive $1,500 bonuses as incentive awards. Dr. Ladd remarked, however, that this system has had the unintended effect of making it more difficult for low-performing schools to retain teachers, many of whom move to higher performing schools in search of bonuses or public recognition.56[56] Dr. Sykes believes that schools which are under tight accountability pressures from state and federal levels and labeled as low performing will prove very difficult to staff because teachers will not want to remain under those circumstances.57[57]

52[52] Dr. Jo Anne Anderson, testimony before the U.S. Commission on Civil Rights, briefing, Charlotte, NC, Feb. 6, 2003, transcript, p. 34; Anderson, Written Submission, p. 6.

53[53] Anderson, Written Submission, p. 6.

54[54] Sykes Testimony, Briefing Transcript, p. 206.

55[55] Anderson, Written Submission, pp. 6–7.

56[56] Ladd Testimony, Briefing Transcript, pp. 181–82.

57[57] Sykes Testimony, Briefing Transcript, p. 207.

As for the role of principals, in two surveys of elementary school principals concerning the ABC program, Dr. Ladd found that "the accountability system of North Carolina has been a very powerful tool for changing the behavior of this set of key adults in the system."58[58] Under the program, principals increased the use of end-of-grade tests to diagnose problems with student learning, developed new extracurricular programs that focused on core subjects, focused new attention on low-performing students, and spent more time with teachers in the classroom working on instructional issues.59[59] Dr. Ladd noted that the principals' overall positive view of the program was attributable to the strong educational leadership of the government, especially the governor, and the state's efforts to communicate with local school officials. She cautioned, however, that adequate resources must be devoted to any successful accountability system. "In the absence of adequate resources in the professional capacity within a school, it's neither fair nor appropriate to hold teachers or students accountable for ambitious educational outcomes," she said.60[60]

Funding

Dr. Eric Smith stressed that financial support was necessary to make any accountability system a success.61[61] He added that a lack of funding is preventing teachers and central administration from doing what they need to do.62[62] Judge Manning echoed Dr. Smith's sentiment, stating, "I love *No Child Left Behind*, but . . . unless we have the resources that are focused not on administration but focused on our classroom teachers, give her or him support and training that they need to do, it's not going to be done."63[63] Although North Carolina has promised to address these issues related to quality teachers and the achievement gap, it appears that many of the programs initiated by the state have not been fully funded to ensure their success. Nonetheless, Dr. Pittman maintained that "much of this [achievement] gap closing can be done without money."64[64] Instead, he argued that the root causes of achievement gaps can be traced to "how we as educators and how parents feel about how students can achieve."65[65]

Supporters of *No Child Left Behind* defend the financial support that has been provided, saying that reform is not about money, but is about obtaining better results for the money that is

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58[58] Ladd Testimony, Briefing Transcript, p. 175.

59[59] Ibid., p. 179.

60[60] Ibid., pp. 183–84.

61[61] Anderson Testimony, Briefing Transcript, p. 17.

62[62] Ibid.

63[63] Manning Testimony, Briefing Transcript, p. 26.

64[64] Pittman Testimony, Briefing Transcript, p. 159.

65[65] Ibid.

spent.66[66] On January 7, 2003, however, Senate bill S.8 was introduced in response to concerns about inadequate funding for *No Child Left Behind*. The Educational Excellence for All Learners Act of 2003 proposes full funding for key provisions of *No Child Left Behind*, including those that relate to Title I programs for disadvantaged and LEP students, the Individuals with Disabilities Education Act (IDEA), and the Higher Education Act, among others. The bill is still in committee.

OVERALL IMPACT OF REFORMS IN THE CAROLINAS

Following state education reform efforts in North Carolina, Dr. Smith noted that for the 2000–2001 school year, 76 percent of African American students in the fifth grade were reading at grade level.67[67] Dr. Smith recalled that in 1995–1996, only 33 percent of African American students were reading at grade level. The same rates of increase were achieved for Free/Reduced Lunch students over that period. Dr. Smith noted that in 2000–2001, this improvement was also found for math scores, where 75 percent of African American students scored at grade level.

Dr. Smith attributed these achievements to new programs that require educators and students to "step up to the challenge of a rigorous system of accountability."68[68] The key provisions of the North Carolina plan include:

- providing financial incentives to staff and teachers in schools reaching or surpassing projected growth;
- providing technical assistance to low-performing schools;
- tracking performance from year to year using matched student scores;
- allowing public access to disaggregated data on student performance for each school;
- establishing growth rates or targets for individual schools based on their performance in relation to overall state results;
- targeting social promotion by requiring students in grades 3, 5, and 8 to demonstrate readiness for the next grade level; and
- tracking changes in test scores of the same students from year to year.

Janet Jenkins, a Charlotte-Mecklenburg middle school math curriculum coordinator, provided data on middle school student performance over the past two years. The data indicate that

66[66] Michael A. Fletcher, "Education Support Defended: Bush Says Improvement of Schools Not Just About Money," *Washington Post*, Jan. 9, 2003, p. A23.

67[67] According to the most recent North Carolina Public Schools data, 69.2 percent of African American fifth graders were reading at or above grade level in 2000–2001.

68[68] Eric Smith, Briefing Testimony, p. 17.

African American students and economically disadvantaged students are closing the achievement gap with white students in math.69[69]

North Carolina's system of education reform meets several of the testing requirements of *No Child Left Behind*. The state assesses all students in reading and math in grades 3 through 8, and gives end-of-course tests in 10 subjects in high school. In Title I schools, the state also tests reading and math in the 10th grade. The testing data collected are disaggregated based on the categories required under *No Child Left Behind*.70[70] However, to comply with federal law, North Carolina will have to implement reading and math tests in the 10th grade, and provide science assessments by 2007 in grades spanning 3–5, 6–9, and 1–12. Based on a recent study to determine how the state would fare under *No Child Left Behind*, the state found that between 24 and 62 percent of its schools would make adequate yearly progress each year; 25 to 65 percent of those not making AYP for one year would fail to do so the following year; and between 20 and 53 percent would fail the third year.71[71]

Since passing its Education Accountability Act and implementing high-stakes testing in 1998, South Carolina has reported only mild improvements in student performance even though the act is compatible with the requirements of *No Child Left Behind*.72[72] In fact, South Carolina implemented many of the provisions of *No Child Left Behind*, including testing, sanctions, remediation, and standards and curriculum provisions.

One result of South Carolina's Education Accountability Act has perplexed educators. There has been an increase in the performance of those students rated in tests at the very bottom and very top, while students in between these boundaries did not improve. Although there is no answer to this conundrum, Dr. Anderson believes that the expectations for the performance of these students in the middle must be adjusted.

According to data provided by the South Carolina Education Oversight Committee, based on the state's Palmetto Achievement Challenge Test (PACT) 2002 results, a wide disparity still exists between white and African American student achievement. For example, the proportion of white students scoring Advanced on the English/language arts test was 7.5 times that of African

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69[69] Janet Jenkins, "Middle School Math Results, 2000–2002," submission to the U.S. Commission on Civil Rights, Feb. 6, 2003.

70[70] Audrey L. Amrein and David C. Berliner, *The Impact of High-Stakes Tests on Student Academic Performance: An Analysis of NAEP Results in States with High-Stakes Tests and ACT, SAT, and AP Test Results in States with High School Graduation Exams*, December 2002, pp. 40–41.

71[71] Center on Education Policy, *From the Capital to the Classroom: State and Federal Efforts to Implement the No Child Left Behind Act*, January 2003, p. 51. Following the study's completion, on November 26, 2002, the Department of Education issued guidance for *No Child Left Behind*, which, if used by North Carolina during its study, would have resulted in 30 percent of its schools making AYP.

72[72] Amrein and Berliner, *The Impact of High-Stakes Tests on Student Academic Performance*, pp. 40–41.

American students.73[73] According to the state data, for every one African American student testing Proficient or above on English/language arts achievement tests in 2002, there were 3.7 white students scoring Proficient or above.74[74]

In math, for each African American student scoring at the Advanced level, 7.4 white students also scored at the Advanced level.75[75] Finally, for every Proficient score reached by an African American student, 4.2 whites students were Proficient.76[76]

South Carolina district data provided by Dr. Jo Anne Anderson show that across the northwest part of the state, the most affluent areas, schools and districts are performing at the higher levels, rated between average and excellent. However, in the high-poverty areas of the state, the areas along the Interstate 95 corridor running diagonally from the northeast to the southwest, the schools and districts are mostly underperforming.77[77] Of note is that these areas also have high concentrations of minorities and poverty.78[78]

CIVIL RIGHTS IMPLICATIONS OF HIGH-STAKES TESTING

High-stakes testing has been challenged as discriminatory, and these challenges are likely to increase as the concept is adopted and implemented by more states.79[79] Proponents of high-stakes testing argue that African Americans, Latinos, English language learners, and students with disabilities are among those who are most often educated poorly, and who, therefore, have the most to gain from efforts to hold all schools, teachers, and students to high standards. Opponents of high-stakes testing, however, argue that schools do not expose these children to the knowledge and skills they need to pass the tests. The result of high-stakes testing, in their view, is to disproportionately retain them in grade or deny them high school diplomas—both of which have highly negative future consequences for students.

73[73] South Carolina Education Oversight Committee, *Where Are We Now? South Carolina's Progress to the 2010 Education Goal*, December 2002.

74[74] Ibid.

75[75] Ibid.

76[76] Ibid.

77[77] Anderson, Written Submission, "Map 1: District Absolute Performance Ratings (2002)," p. 10.

78[78] Ibid., "Map 3: Percentage of Minority Enrollment in Public Schools (January 2003)," p. 11.

79[79] Federal courts have considered several issues in assessing the legality of specific testing practices for making high-stakes decisions, including the use of an educational test for a purpose for which the test was not designed or validated; the use of a test score as the sole criterion for the educational decision; the nature and quality of the opportunity provided to students to master required content, including whether classroom instruction includes the material covered by a test administered to determine student achievement; the significance of any fairness problems identified, including evidence of differential prediction of a criterion and possible cultural biases in the test or in test items; and the educational basis for establishing passing or cut-off scores.

Several panelists discussed the difficulties associated with high-stakes tests as they are currently implemented. For example, Jay Heubert, associate professor of education at Teachers College, Columbia University, stated that students, particularly children of color, English language learners, students with disabilities, and disadvantaged children—all of whom rely on school more for their academic learning than high socioeconomic children do—are being punished for the school system's failure to adequately prepare them to pass the tests.80[80] Specifically, Mr. Heubert cited the use of testing for promotion to the next grade as a source of the disparate impact on minority and disadvantaged children. Between 1999 and 2001, for example, the number of states with statewide promotion test policies increased from six to 17, and at least 13 of those have promotion test requirements in at least two grade levels. Moreover, many inner cities have implemented promotion test policies even where their states do not use them.81[81] Increasing numbers of children of color, immigrant children, and economically disadvantaged children are all subject to promotion test policies. The problem with this, according to Mr. Heubert, is that the "single strongest predictor" of who drops out of school is retention in grade based on the results of the high-stakes promotion testing.82[82] Although it is common sense that children should not be promoted to the next grade if they are not ready, Mr. Heubert testified that the evidence is clear that students who are required to repeat a grade are worse off academically and socially and more likely to drop out than similarly low-performing students who are promoted to the next grade.83[83] Mr. Heubert's overall conclusion is that high-stakes testing has a disparate impact on the most vulnerable students, and data show that as standards get higher, the disparities get larger.84[84]

Paul Reville, executive director for the Center on Education Research and Policy for MassINC, testified, however, that "high-stakes testing is a powerful strategic instrument which when properly employed as an element of standards-based school reform can be a vital lever for achieving equity in American public education."85[85] Mr. Reville asserted that fairness requires that all children be held to the same high expectations.86[86] Indeed, he explained that

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80[80] Heubert Testimony, Briefing Transcript, p. 235.

81[81] Ibid., p. 236. For example, Boston, New York City, and Chicago have all adopted promotion test policies, but their respective states have not. Ibid.

82[82] Ibid., p. 237.

83[83] Ibid., p. 242.

84[84] Ibid., p. 239. For example, Mr. Heubert testified that California has a newly implemented, but relatively low-level, ninth-grade test. Only 22.8 percent of African American and Hispanic students passed it compared with 61.4 percent of whites. Students with disabilities and immigrant students passed it at 10.3 percent and 11.9 percent, respectively. In comparison, Alaska has implemented a very high-standard promotions test. The initial failure rates were 46.5 percent for whites, 79.9 percent for African Americans, 70 percent for Hispanics, 91.1 percent for students with disabilities, and 84.1 percent for English language learners. Ibid.

85[85] Reville Testimony, Briefing Transcript, p. 262.

86[86] Ibid., p. 264.

the current education system is failing, and that a reform movement with high expectations for all children "strikes a lightning blow for the poor and disadvantaged" and eliminates the "soft discrimination of low expectations."87[87]

According to Mr. Reville, fairness requires that students receive diplomas that represent their achievement in a clearly defined course of learning, but diplomas should not be granted where students fail to attain those levels of achievement. He added that data about student achievement levels should be used to hold teachers and schools accountable.88[88] Students must also be provided with fair opportunities to appeal the denial of a diploma, and most importantly, be guaranteed continuing education.89[89] Echoing Mr. Reville's sentiments, Lindalyn Kakadelis, director of the North Carolina Education Alliance, testified that while high-stakes testing may cause "unintended consequences," it is a necessary instrument to "force change."90[90] And regardless of the fact that the tests "penalize the most vulnerable," Ms. Kakadelis believes that minority and disadvantaged children have the most to gain from a tool that will "shine the light" on what needs to be fixed.91[91]

Adequate Preparation—Alignment of Curriculum with Standards

Several speakers echoed the sentiment that it is critical that protective measures be implemented before the testing, so that students are not held responsible for materials they have not been taught. Mr. Heubert testified, and other panelists concurred, that "tests should be used in making high-stakes decisions about individual students only after students have actually been taught the knowledge and skills on which they will be tested."92[92] High failure rates indicate that tests are not covering the content and skills that the curriculum has afforded the students an opportunity to learn.93[93]

Sheria Reid, director of the North Carolina Justice and Community Development Center's Education and Law Project, shares Mr. Heubert's concerns. Ms. Reid testified that high-stakes testing punishes children for not being taught certain information. She argues that high-stakes testing serves no purpose and is an ineffective tool for educational reform.94[94] Those in the

87[87] Ibid., pp. 266, 273.

88[88] Ibid., pp. 267, 273.

89[89] Ibid., p. 273.

90[90] Kakadelis Testimony, Briefing Transcript, p. 247.

91[91] Ibid., p. 248.

92[92] Ibid., p. 240.

93[93] Ibid., pp. 240–41.

94[94] Reid Testimony, Briefing Transcript, p. 251.

educational community are already well aware of the achievement gap between white and minority children. She argued, as Mr. Heubert did, that the only kind of effective testing is one that is generated based on what was taught.95[95] Indeed, another panelist, John Charles Boger, deputy director of the University of North Carolina School of Law Center for Civil Rights, testified that "it would be foolhardy to take children and give them high-stakes testing and accountability without preparing them adequately . . ."96[96] Ms. Reid stated that if testing is to be applied properly, then children who do poorly must be given additional attention. Punishment—i.e., failure to give a diploma or retention—does nothing to teach children what they fail to know or to close the achievement gap.97[97]

Mr. Reville testified that high-stakes testing is one part of a complex strategy that makes up standards-based reform and is a tool by which progress is measured. While others view the "stakes" associated with testing as punishment for children who have not been taught the test, Mr. Reville believes that high stakes are an essential component of the accountability system—they create an urgency to address the currently "ineffective and unequal system of public schooling."98[98] Based on his experience with education reform in Massachusetts, he believes that testing without stakes will not produce any change or improvement. Now that Massachusetts has implemented the Massachusetts Comprehensive Assessment System, more resources are aimed at the children historically least well served, teachers are engaged in more professional development, and the curriculum is changing to align itself with the state's standards.99[99]

Other Conditions Necessary for Successful Implementation of High-Stakes Testing

The speakers appeared to agree, however, that certain conditions, such as quality teachers, adequate training, adult accountability, parent empowerment, and diagnostic studies were necessary for the successful implementation of high-stakes testing. As previous panelists noted, and Mr. Reville also acknowledged, students will not meet higher standards and expectations without the proper conditions in place. He highlighted that, in conjunction with high-stakes testing, it is critical that teachers receive the training and support they need to help students meet the new goals, and that students are provided quality teachers, a curriculum that is aligned to the standards, and regular feedback and extra help when needed.100[100] While Mr. Reville did not provide specific examples, he did testify that real stakes must accompany educator

95[95] Ibid., p. 254.

96[96] Boger Testimony, Briefing Transcript, p. 284.

97[97] Reid Testimony, Briefing Transcript, p. 254.

98[98] Ibid., pp. 268–69.

99[99] Ibid., p. 269.

100[100] Ibid., pp. 263–64.

accountability, and that adults must be held accountable for their respective roles in giving children an adequate opportunity to learn.101[101]

Ms. Kakadelis concurred with Mr. Reville by saying that schools and parents must put the right conditions in place before testing occurs. This includes not just test/curriculum alignment, but providing highly qualified teachers for minority students. She reported that data show that the quality of instructors is the most important factor in children's education, and that it is often minority students who have the least qualified teachers teaching them.102[102] Parents also must be empowered to refuse poor quality instruction for their children. Unfortunately, she indicated that less educated parents might not know how to determine quality instruction or how to work the system to secure it for their children.103[103] Finally, she testified that school leadership must use the data gathered from the testing for diagnostic purposes. If not, Ms. Kakadelis argued, low performance will continue and empowered parents will seek out other options, rather than tolerate poor quality instruction.

Panelists who expressed concern over the effects of high-stakes testing made clear that they are not anti-accountability or anti-high standards, nor do they believe that certain children cannot learn. Several panelists testified that all children regardless of background and status can learn, but it is vital that the proper conditions for learning be in place before testing. Punishing children for the school system's failure to put those conditions in place "is ridiculous," said one.104[104]

Evaluation of High-Stakes Testing

Both opponents and proponents of high-stakes testing agree that all children can learn to pass the tests. Most educators and scholars maintain that children need to be adequately prepared before testing, and that testing is unfair if children are not taught the material. Even those in support of high-stakes testing as a reform measure acknowledged that testing alone is not a solution—all teachers need proper training and professional development, parents need to be empowered to help, the curriculum must be aligned with tests, and students must be given feedback and extra help.105[105]

101[101] Ibid., p. 270.

102[102] Ibid., p. 246.

103[103] Ibid.

104[104] Ibid.

105[105] Ms. Reid also proposed the solution of "ungraded primaries," which teach students necessary skills while minimizing the stigma associated with retention. Ungraded primaries work in the following manner: Children and teachers in grades K through 4 move during the day in various groups. The groupings are fluid because no child is kept in the same group for a year. Instead, all children who need work on, for example, basic addition and subtraction are in one group, and ones who have mastered those tasks work in a group on multiplication; students who can read words work on sentences, while students who cannot read work on mastering the letters. When a child masters a skill, he moves on to the next group. In this way, grades become irrelevant because the children are all

Ms. Reid expressed the view that testing is useless in light of the existing gaps in student achievement. Instead, she stated that the focus must be on the children until they master the material. Mr. Reville, on the other hand, thinks that high-stakes testing will force parents, schools, and administrators to focus on the problems that Ms. Reid identified. Ultimately, problems will remain if schools keep testing, but do nothing with the results other than continue to fail and retain a disproportionate number of minority and disadvantaged children.

Impact of No Child Left Behind

While *No Child Left Behind* nor any other federal statute requires the attachment of individual high-stakes to any tests, a couple of the panelists commented on a few ways in which *No Child Left Behind* is likely to affect high-stakes testing indirectly. First, *No Child Left Behind* requires that all children, including English language learners and students with disabilities, who had been exempted from earlier tests must now be tested, and that their test results be reported in disaggregated form.106[106] It is very likely, therefore, that these students will become subject to the same high-stakes consequences already attached to other children in those states.107[107] Second, states that are already inclined to do promotion testing may use the tests developed for grades 3 through 8, in response to *No Child Left Behind*, for promotion purposes as well.108[108]

Finally, Mr. Boger noted several general positive and negative effects of *No Child Left Behind*, some of which may indirectly be related to high-stakes testing. He noted that positive outcomes of the legislation include the affirmation that all children can learn; the requirement that schools measure the performance of all children; that once deficiencies are identified some concrete steps will be taken to hold districts, schools, administrators, and teachers responsible; the commitment of a fully qualified teacher in every classroom; redress for parents of children who are doing poorly; and increased federal funding in exchange for state commitment to undertake these new requirements.109[109] Some of the negative results include inflexible assessment measures, the potential for unintended classroom conflicts from poorly designed parental transfer programs, and the failure to consider the structural problems created by continued racial segregation in schools.110[110]

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mixed into different “pods.” After the first five years, every child should have mastered all the required skills. Ibid., pp. 257–58.

106[106] Heubert Testimony, Briefing Transcript, p. 237.

107[107] Ibid.

108[108] Ibid., pp. 237–38.

109[109] Boger Testimony, Briefing Transcript, pp. 276–78.

110[110] Ibid., pp. 279–83.

CONCLUSION

The results of recent federal and state education reform measures remain to be seen. Many education policymakers are concerned that the reform measures may not deliver on the promise of closing the achievement gap that exists between students of different racial and ethnic backgrounds. In order for *No Child Left Behind* and other standards-based reforms to finally close the achievement gap, our panelists concluded that the reforms should ensure that:

- challenging content and performance standards are put in place so that students are engaged in real learning and are equipped with the basic skills necessary to function fully in today's society;
- curriculum is aligned with performance standards;
- tests used to measure student learning accurately measure the learning of all students, including that of students with limited English proficiency and disabilities;
- data on student performance are disaggregated by race, ethnicity, gender, income, language, and disability;
- appropriate accommodations are available for students with disabilities;
- appropriate remedial assistance is available to low-performing students and schools and that remediation does not become the code word for retaining students in grade;
- all schools, but especially those at risk of failing or being designated as low performing, be provided highly qualified and experienced teachers and administrators; and
- sufficient funding is made available to fully implement *No Child Left Behind*.

These issues, and others, will continue to shape the debate on education reform as the full impact of the *No Child Left Behind* Act is realized in the years to come. As for the discriminatory effects of high-stakes testing, some argue that testing institutionalizes the past effects of segregation and unequal funding of the public education system. It was noted that research indicates that high-stakes tests are used mostly in high-minority and low-income schools and that testing disproportionately adversely affects these students.

There appears to be general consensus that training and hiring highly qualified teachers are crucial to improving the education of America's children. However, there are different opinions regarding the cause of the shortage of qualified teachers. Some researchers even assert that there is no shortage, only an unequal distribution of existing qualified teachers. As a result of a

combination of factors, a “shortage” of qualified teachers appears to exist, especially in disadvantaged and underserved communities.

Teachers and administrators urge administrators to reduce the burden placed on teachers by decreasing student load, paperwork, and the “hoops that teachers must jump through for licensure.”111[111] According to Dr. Pughsley, the superintendent of Charlotte-Mecklenburg Public Schools, more control and flexibility at the local level and less state and federal intervention are necessary.112[112] He observed that the local control promised by *No Child Left Behind* has not materialized.

Lastly, funding will continue to be debated and litigated as reforms are implemented. The issue will move from seeking equity in funding to seeking funding sufficient to provide all students with an adequate basic education or a minimally adequate education. Funding, including the effective use of existing funds, will have to be addressed as schools are asked to provide remediation to low-performing schools and students. As noted earlier, remediation must not become a code word for grade retention and failure to graduate low-performing students. Tutoring, teacher hiring, increased teacher pay, better classroom resources, and appropriate accommodations for LEP students and students with disabilities require that funding be sufficient and that it be used effectively.

111[111] Pughsley, Written Submission, p. 5.

112[112] Ibid.