

To Whom It May Concern:

The Texas Classroom Teachers Association, representing 50,000 classroom teachers and instructional personnel statewide, has the following input regarding proposed Title I regulations, No Child Left Behind Act, Docket ID ED-2008-OESE-0003.

**Regarding Proposed Section 200.2(b)(7)(i) and (ii):** we support the clarification that measures of student academic achievement may include multiple types of questions that range in complexity and reflect the full range of cognitive concepts and processes in the state content standards within a single assessment. Although we understand that this may not always be possible within a single assessment, we are concerned that increasing the number of assessments will inevitably increase the amount of time that testing will intrude upon instruction. Accordingly, we suggest that language be added to stress that, if at all possible, states must take measures to reduce the need for multiple assessments.

Additionally, as a general comment regarding the testing requirements imposed by the Act and federal regulations, we are deeply concerned about the testing requirements for special education students imposed by the Act and regulations, particularly the requirement that only one percent of the tested student population, consisting of students with significant cognitive disabilities, may be assessed with alternate standards, but that the assessment must be linked to the grade-level curriculum through prerequisite skills. The requirement that the assessment be linked to grade-level curriculum is entirely unrealistic and irrelevant to many of these students who, as it is, are barely functioning several grade levels below their age-group grade level. Additionally, it has resulted in teachers having to devote an extraordinary amount time and paperwork to show how the prerequisite skills the student is demonstrating is linked to grade-level curriculum. While the burden on teachers may be partly due to State decisions about how to implement the testing requirement, the larger issue of requiring these students to take an assessment linked to grade-level curriculum stems from federal law/regulations, and accordingly we ask the Department to reconsider these requirements to the fullest extent possible.

**Regarding Proposed Section 200.7(a) (2) (iii):** we note that this proposed regulation requires States to submit a revised Accountability Workbook within six months after the effective date of the regulation. While we appreciate the need for the Department to get information from States in a timely manner, we note that it is equally important for States to receive information/responses from the Department in a timely manner. We have witnessed several situations in which our state was put in an extremely difficult situation with trying to comply with the No Child Left Behind Act while waiting for crucial information/decisions from the Department that was necessary in order to comply with the Act. Accordingly, we suggest that the proposed regulation address how the Department will ensure that State Workbooks will be approved a reasonable amount of time before annual AYP results are released so that the state can comply with NCLB requirements regarding notice to the public regarding AYP results.

**Regarding Proposed Section 200.11:** although we agree with the requirement to include state NAEP results on the state report card, we do not understand the need for local school districts to report that information on LEA report cards. Only a small sample of Texas schools and districts participate in the NAEP testing program and so the state NAEP results bear no particular relevance to any given local school district. Additionally the inclusion of this information is likely to cause confusion among the public. Accordingly we suggest eliminating the requirement that LEAs report state NAEP results on the LEA report card.

**Regarding Proposed Section 200.19(a):** According to the Federal Register notice inviting comments regarding these proposed regulations, this proposed regulation would require States to use a uniform and accurate method of calculating graduation rates consistent with the definition adopted by the National Governors Association (NGA). Although we support the concept of ensuring accuracy and consistency among states regarding graduation rates, we are concerned

that the National Governors Association has commented that "the commonly referred to NGA Graduation Rate was created to ensure transparency, accountability, comparability and, ultimately, to improve our nation's high schools. The NGA Compact was not created for federal accountability purposes. Governors believe that federalizing the NGA Compact and attaching high-stake accountability measures raises several challenges and requires further discussion and clarification." Accordingly, we suggest that this proposed regulation be revisited in light of the concerns expressed by the NGA.

**Regarding Proposed Section 200.19(a)(1)(i)(C)(2):** We support this regulation as it recognizes that not all students have circumstances allowing them to graduate "on time" as defined by states and permits a state to propose, for approval by the Secretary, an alternative definition of "standard number of years" that would apply to limited categories of students who, under certain conditions, may take longer to graduate (as is the case, for example, for a small number of students with disabilities or students in "early college high schools" who earn an associate's degree along with a high school diploma).

**Regarding Proposed Sections 200.19(e)(1), and (e)(2)(i) and (ii):** as a general comment about disaggregation of data, we question the need to maintain student subgroups by race when substantial evidence exists to show that socioeconomic status is a more meaningful indicator regarding student performance than race. Accordingly, we advocate focusing on student socioeconomic status rather than on race by eliminating student subgroups by race and continuing to use the socioeconomic subgroup and the others currently used under the NCLB Act. If the Department insists upon maintaining student subgroups by race, we suggest requiring further disaggregation of student racial subgroups by socioeconomic status so as to reveal a more accurate picture (by socioeconomic status) of student performance in each subgroup by race.

**Regarding Proposed Section 200.20(h):** while we appreciate the proposal to allow States, under the waiver authority of section 9401 of the ESEA, to establish and implement policies for incorporating individual student academic progress into the State's definition of AYP, we fear that potential benefits of this proposal will be significantly undermined by the inclusion of language that the state set annual growth targets that lead to all students, by school year 2013-2014, meeting or exceeding the State's proficient level of academic achievement on the State assessments under Sec. 200.2. One of the successes of the Texas accountability system is that we've set standards that cause students and educators to "stretch" but that at the same time, aren't unattainable. Several articles have reported the collapse of entire accountability systems in states that have set standards too high as to be unattainable. Unfortunately, one of the "fatal flaws" of the No Child Left Behind Act, is the imposition of a standard that, by most accounts, is unattainable. We understand that the requirement for all students to be proficient by 2013-2014 is currently a statutory requirement, and, accordingly, the Department believes the standard cannot be changed. However, as the deadline looms, and more and more commentators are noting that the goal is inherently unrealistic, we don't believe that the 2013-2014 deadline should be repeated in rule since we're hoping it will be revisited and revised to something less aspirational and more realistic by Congress. Accordingly, we would suggest simply allowing states to set annual growth targets for students and delete the language that the growth targets lead all students, by school year 2013-2014 to meet or exceed the state's proficient level of academic achievement.

At the end of the "Reasons" section accompanying this proposed regulation in the Federal Register, there is a statement as follows: "While not a condition of incorporating individual student academic growth into a State's definition of AYP, inclusion of a teacher identifier will create a much richer set of data to guide school improvement efforts." While we understand the desire to get better data on student academic growth, we are also aware of the push by several sectors to tie teacher pay and other employment decisions to student performance, in particular, student performance on tests. Given the divisiveness of this issue, and

the fact that many experts on this issue have expressed the opinion that it is not currently possible to validly and accurately isolate and evaluate the teacher effect on student test scores, we view the Department's statement encouraging inclusion of a teacher identifier as gratuitous and having the strong appearance of supporting a particular ideology. Accordingly we would suggest that it be eliminated.

Thank you for your consideration of our views.