

# **Forum on Educational Accountability**

**[www.edaccountability.org](http://www.edaccountability.org)**

June 21, 2007

The Honorable Edward Kennedy, Chair  
Senate Committee on Health, Education, Labor and Pensions  
United States Senate  
428 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable George Miller, Chair  
House Committee on Education and Labor  
United States House of Representatives  
2181 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Kennedy and Chairman Miller:

The Forum on Educational Accountability (FEA) is a working group from among the 136 national education, civil rights, religious, disability, civic and labor organizations that have endorsed the *Joint Organizational Statement on No Child Left Behind (NCLB) Act*. FEA convened the Expert Panel on Assessment to provide guidance on implementing the principles of the Joint Statement. The panel's mission was to use the Statement as its starting point and develop recommendations for improvements to ESEA/NCLB.

On June 14, 2007, FEA released the panel's proposals for reauthorizing the Elementary and Secondary Education Act (ESEA)/No Child Left Behind (NCLB) Act. Having received very critical public comments from Secretary Spellings and the Education Trust regarding the recommendations of the expert panel, FEA seeks share with you and the members of your committee our response to the issues they have raised.

Fundamentally, Secretary Spellings and the Education Trust insist that the use of a single, annual standardized test (designed for native speakers of English) in reading and math is the only effective way to hold schools "accountable." This view is rejected by the vast majority of experts in educational assessment. Classroom-based and other non-standardized-test forms of assessment have already proven to be valid, reliable and feasible for school accountability in Nebraska, and for high school graduation determination in Wyoming and Rhode Island.

Members of the public are also skeptical of Secretary Spellings' and Education Trusts' position. As shown by a Gallup/Kaplan poll (September 2006), 69% of Americans agree that "a single test [would not] provide a fair picture of whether a school needs improvement." The expert panel and FEA have proposed ways to meet what, in fact, the law now calls for but does not financially support, and the Department does not enforce: the use of multiple measures for all children that can assess higher order skills missed by standardized tests. The Education Trust's allegation that

the FEA endorses different tests for Hispanic, African American and white children is a complete misreading of the expert panel's report.

Moreover, fairness and accuracy in evaluation demand that assessments for English Language Learners (ELL) be in a language that they can understand and that assessments for students with disabilities be adapted to accommodate their needs. Otherwise, the tests are not measuring how much academic content students have acquired, but simply their lack of English proficiency or the presence of obstacles inherent in particular disabilities. With rare exceptions as already recognized in the law, assessments for these two sub-groups should not be at a different academic level. Rather, such assessments must be specially crafted so as to allow these students to demonstrate the true extent of their academic knowledge and skills.

Although Secretary Spellings continues to assert that all students must score "proficient" by 2014, there exists no evidence to support this claim. To the contrary, NCLB's current Adequate Yearly Progress (AYP) accountability scheme, based on a test-and-punish model, is recognized by experts across the political spectrum as *not* having generated major improvements in teaching and learning for K-12 students in Title I schools nationwide. The current AYP scheme is, in fact, causing serious harms, such as narrowing the curriculum and forcing some educators to teach to the test. The damage is most severe for the nation's most needy students – low-income children, children of color, English language learners and student with disabilities.

The FEA strongly supports the goals of the federal law to improve academic performance of each student and to ensure that each student has access to quality instruction. It is because of this commitment that FEA has spent the last several years developing concrete, research-driven recommendations to improve the federal law, culminating in FEA's extensive report, "Redefining Accountability: Improving Student Learning by Building Capacity;" and its legislative recommendations and specifications, "Proposed ESEA/NCLB Amendments." The Joint Statement and the FEA recommendations provide a broad outline and substantial detail for an accountability system that can help struggling schools build capacity to improve teaching and learning. (The reports, the Joint Statement, and the expert panel's report are at [www.edaccountability.org](http://www.edaccountability.org).)

The fundamental goals of ESEA/NCLB can only be accomplished if the current law is significantly improved. We commend you for your efforts and look forward to working with you closely during the reauthorization process to ensure an excellent public education for all American children.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Neill". The signature is fluid and cursive, with the first name "Monty" written in a larger, more prominent script than the last name "Neill".

Monty Neill, Ed.D.,  
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