

SENATE RESOLUTION No. 1831

A RESOLUTION urging the Congress of the United States to amend the No Child Left Behind Act so that states will be allowed to continue to work toward the goal of closing the achievement gap without overly prescriptive federal rules, unfunded mandates and the coercion of losing federal funds.

WHEREAS, The purpose of the No Child Left Behind Act (NCLB), which was enacted on a bipartisan basis and scheduled to be reauthorized in 2008, is to increase the academic achievement of all students in language arts, mathematics and science, and to close achievement gaps among various subgroups of students; and

WHEREAS, The NCLB sets expectations for all students to be 100% proficient by school year 2013-2014; however, the specific requirements are unreasonable for students with limited English proficiency and students with disabilities, making it impossible for all schools to comply with the law; and

WHEREAS, The NCLB requires highly qualified teachers in core academic areas, which conflicts with the process for certifying special education teachers and overlooks the fact that many categories of teachers, including special education teachers and middle school teachers in small rural schools, often teach several subjects; and

WHEREAS, The NCLB coerces participation by placing punitive financial consequences on states refusing to participate; and

WHEREAS, The NCLB is an under-funded mandate, with actual funding falling over \$70 billion short of the authorized levels, placing the burden on states and school districts to spend their own limited resources to implement the NCLB; and

WHEREAS, States should be allowed to use multiple measures of student achievement and school effectiveness in their state accountability plan, and to use a student-growth approach in their state accountability plan; and

WHEREAS, States should have the flexibility to allow school districts to design appropriate instructional interventions and incorporate differentiated interventions for any school not making adequate yearly progress so that a school that falls short in only a small number of federal criteria is not treated in the same manner as a school that falls short on all such measures, and to allow a district not making adequate yearly progress to be the supplemental educational services provider; and

WHEREAS, States should be given sufficient time for improvement plans to take effect before applying sanctions, and sanctions should not be applied if they undermine existing effective reform efforts, or states should be permitted to replace sanctions that do not have a consistent record of success with interventions that enable schools to make changes that result in improved student achievement; and

WHEREAS, States and school districts should have the flexibility to determine the appropriate standards upon which to base assessments for students with disabilities and to utilize the results from assessments based on such standards in calculating adequate yearly progress without arbitrary federal limitation on the use of such assessments; and

WHEREAS, States and school districts should have the flexibility to exclude assessment results of newly arrived limited-English proficient students in adequate yearly progress calculations for an appropriate number of years to ensure that such tests are measuring students' academic content knowledge and not just their English-proficiency levels; and

WHEREAS, Funding for supplemental educational services and school choice transportation should be funded by the federal government, and not come from diverting up to 20% of school districts' Title I funds for such purposes: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we memorialize the President and the United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing funding for the reauthorized version of the No Child Left Behind Act; and

Be it further resolved: That we urge the Congress of the United States to amend the No Child Left Behind Act so that states will be allowed to continue working toward the goal of closing the achievement gap without overly prescriptive federal rules, under-funded mandates and the coercion of losing federal funds; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

Senate Resolution No. 1831 was sponsored by Senators Barnett and Vratil, Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle, Wilson and Wysong.

I hereby certify that the above RESOLUTION originated in the SENATE, and was adopted by that body

President of the Senate.

Secretary of the Senate.