



Sample Board Resolution on No Child Left Behind

WHEREAS, the No Child Left Behind Act was signed into law on January 8, 2002, significantly increasing the federal government’s role in elementary and secondary education and representing the most sweeping changes in federal education policy in the last 30 years; and

WHEREAS, although NCLB establishes a rigorous standard for the nation’s public schools and a well-intended model to assess school achievement, it in fact has created unintended consequences far more complex than had been anticipated by members of Congress; and

WHEREAS, Congress has set a course where every child in every student subgroup must perform at a state-defined proficient level by 2014, creating a system that will over-identify students and schools as failures and undermine the credibility of public education in Tennessee and across the country; and

WHEREAS, this over-identification has already come to fruition in Tennessee, demonstrated by the State Board of Education’s 2003 assessment of schools, which found 47 percent of the state’s schools as falling short of NCLB performance mandates; and

WHEREAS, continued school performance that falls short of unrealistic and unreasonable NCLB requirements will result in harsh, unfair and costly sanctions, including school choice, supplemental service provisions, removal of personnel, alternative governance and even state takeover of schools; and

WHEREAS, NCLB requires “highly qualified” teachers in every classroom but fails to provide flexibility to those systems that, through no fault of their own, do not have access to teachers who are qualified according to the new standards; and

WHEREAS, in the course of complying with the mandates of NCLB, school districts and states throughout the country have raised legitimate questions regarding the costs of implementing the law; citing shrinking budgets and a federal appropriation that is more than \$6 billion less than what was authorized by Congress when NCLB was adopted; and

WHEREAS, during the past two years, through communication with educators, parents and community leaders, the **YOUR SYSTEM NAME** Board of Education and the Tennessee School Boards Association have identified several defects in NCLB that need immediate attention;

THEREFORE, BE IT RESOLVED THAT THE NAME OF YOUR BOARD encourages the United States Congress to take action on each of the following recommendations included in TSBA’s Position Paper on No Child Left Behind:

1. **Allow states to adopt alternative assessments aligned to appropriate standards for special education students based upon Individual Education Plans.**
2. **Allow states to delay the inclusion of test scores of English Language Learners for accountability purposes until the student has been enrolled for at least two years. *(This recommendation was accomplished through a change in U.S. Department of Education Rules and Regulations in February 2004.)***
3. **Apply sanctions to schools or school districts only when the same subgroup or subgroups do not meet AYP targets in the same subject for two consecutive years.**
4. **Provide flexibility in calculating AYP when students belong to multiple subgroups by allowing their proficiency scores to be included in one subgroup or apportioned among the groups, so that the total sum of the apportioned scores does not exceed 1.00.**
5. **Allow states, like Tennessee, that have the proper assessment measures in place to use value-added or gain scores, which measure the progress of students from year to year, for the purposes of meeting AYP.**
6. **Provide states the flexibility to grant waivers to local schools when they do not meet the 95 percent participation rate if the school can provide valid reasons for failure to meet the requirement.**
7. **Limit school choice provisions to those students belonging to subgroups not meeting AYP.**
8. **Require instructional personnel employed by supplemental service providers to meet the same qualifications as comparable employees in the local school district.**
9. **Allow school districts to apply for time extensions in meeting the “highly qualified” provisions when they can document a lack of “highly qualified” employees and/or applicants.**
10. **Clarify that collective bargaining agreements and state tenure laws do not prohibit school districts from transferring or dismissing teachers that do not meet the “highly qualified” requirements.**
11. **Fully fund all NCLB programs at their authorized levels.**
12. **Direct an NCLB implementation study to include Congressional hearings with a focus on federal and state funding requirements.**

To review TSBA's full Position Paper on No Child Left Behind, visit TSBA's Web site at www.tsba.net. Click on "Capitol Watch" and then "No Child Left Behind Information Center."