# United States Senate

WASHINGTON, DC 20510

January 7, 2004

The Honorable Judd Gregg
Chairman
Committee on Health, Education,
Labor, and Pensions
United States Senate
Washington, D.C. 20510

The Honorable Edward M. Kennedy
Ranking Member
Committee on Health, Education,
Labor, and Pensions
United States Senate
Washington, D.C. 20510

Dear Chairman Gregg and Senator Kennedy:

We write to express our concerns about the ongoing implementation of the No Child Left Behind Act (NCLB). As you know, students and teachers around the country are settling in to their second school year under the provisions of this law. Unfortunately, many educators, administrators, students, and parents are struggling to wade through the maze of new, and often complex, rules and regulations associated with this law.

Our constituents have raised many concerns about the way in which the NCLB is being implemented. Time and again, we have heard from administrators and teachers who are frustrated by the lack of flexibility from the Department of Education. We are concerned that this perception is indicative of the Administration's view that the NCLB is an untouchable, closed issue, and that individual school districts and states should not be given flexibility to tailor the law's implementation to meet their specific circumstances. Federal education law should not be a one-size-fits-all, cookie-cutter approach. Every state and every school district is different, and we are concerned that the Department's rigid approach to implementation does not take into account, and could actually undermine, the variety of successful and innovative education methods that exist around the country.

Because of these concerns, we ask that your Committee have a series of hearings on NCLB implementation. We further ask that these hearings focus on issues including:

- the unique circumstances of rural and smaller school districts, and in particular, the special challenges that the supplementary services and public school transfer requirements and the accountability structure of the NCLB pose for these districts;

- the long-term effects that meeting the one-size-fits-all adequate yearly progress provisions will have on students, schools, and school districts;

- the concern and likelihood that nearly all public schools may not be able to meet the goal of 100 percent proficient scores on reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year;

- the federal sanctions structure included in the law, which focuses more on taking away from schools than on targeting resources to what those schools need to succeed;

- the effect of federal funding well below the agreed upon authorization levels for crucial programs such as Title I and special education is having on schools' ability to meet NCLB and state standards;

- the financial cost to states and school districts for the new data collection and reporting requirements in the NCLB, and its impact on the overall education of our children as states and districts face tight budgets;

- the need for additional federal funding for professional development and for the costs to provide additional training for paraprofessionals, as well as the need for increased funding for teacher and principal recruitment and retention in light of the expected teacher and administrator shortage, on the ability of states and school districts to comply with the NCLB requirements for highly qualified teachers and paraprofessionals;

- the toll that preparation for the mandatory reading and math tests for students in grades 3-8 is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment, time spent teaching to the tests; instruction time available for such subjects as social studies, art, and music; the strength of state academic standards; and the morale of students and educators;

- the ongoing efforts to align the NCLB and the Individuals with Disabilities Act, and particularly how we can ensure that meeting the NCLB's accountability goals is not in conflict with the education goals in a student's Individualized Education Plan;

- the unique challenges that the accountability provisions pose for students with limited English proficiency; and

- the implementation of the supplemental services provisions, including implications for federal civil rights law.

We believe that a full discussion of these and other issues surrounding implementation of the NCLB is warranted, given the importance of a good public education to our children and to the future of our nation.

Thank you for your attention to this request.

Sincerely,

Russell D. Feingold
United States Senator

Mark Dayton
United States Senator

Patrick J. Leahy
United States Senator

Richard J. Durbin
United States Senator

E. Benjamin Nelson
United States Senator