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SENATE JOINT RESOLUTION NO. 77

Senate Amendments in [] — February 17, 2004

Memorializing the Congress of the United States to amend the No Child Left Behind Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states such as Virginia that have successfully increased student achievement through their own standards and accountability reforms.

Patron Prior to Engrossment—Senator Hanger

Referred to Committee on Rules

WHEREAS, since 1995 the Commonwealth of Virginia has led the nation in the implementation of high academic standards and accountability for student achievement, through its nationally-recognized Standards of Learning reform; and

WHEREAS, the Standards of Learning is a comprehensive standards and testing program that sets high academic standards in English, mathematics, science, history and social studies and then tests in various grades to ensure students are learning the content in the academic standards; and

WHEREAS, in the nearly nine years since the SOL program was launched, Virginia's students have made remarkable gains in their achievement levels on all 28 different SOL tests, and have also made gains on national tests, including the SAT-1 and most recently, for example, scoring the highest reading scores on the National Assessment of Educational Progress (NAEP) reading test since NAEP testing began in Virginia over a decade ago; and

WHEREAS, Virginia's SOL program holds schools accountable for student achievement by tying school accreditation to demonstrated student achievement on SOL and other objective assessments, and since the SOL program began Virginia's schools have made remarkable progress in meeting these accreditation standards; and

WHEREAS, in 2001 Congress enacted and the President signed into law the "No Child Left Behind" (NCLB) Act, which has as its announced purpose bringing high academic standards in reading and math and test-based accountability for achievement of those standards to schools which do not have accountability; and

WHEREAS, while NCLB has a laudable purpose and may impose needed standards and accountability in states which have failed to hold their schools accountable for student achievement, the federal law is misplaced in its application to Virginia, a state which had led the nation with a successful track record of school accountability for nearly a decade; and

WHEREAS, even though Virginia had demonstrated significant success in raising student achievement through the standards and accountability of its SOL reform, there is no provision in NCLB to grant waivers from the mandates of NCLB to states such as Virginia which have such demonstrated records of success; and

WHEREAS, while NCLB contains several very expensive mandates, Congress has not provided sufficient funds for its mandates; for example, the voluminous computerized record-keeping requirements of the law will cost literally millions of dollars that Virginia does not have, yet must spend in order to meet the requirements of NCLB; and

WHEREAS, even though Virginia's SOL program is already successful, NCLB will require Virginia to make several significant changes in testing policies that could threaten to undermine the success of Virginia's own successful SOL program; and

WHEREAS, it is clear that NCLB represents the most sweeping federal intrusion into state and local control of education in the history of the United States, which egregiously violates the time-honored American principles of balanced federalism and respect for state and local prerogatives, especially in the crucial area of education; and

WHEREAS, the successful welfare reform model was not followed by NCLB, being the model in which states which met the basic principles of the welfare reform law enacted in 1996 by the Congress were allowed waivers from the law to encourage state innovation and flexibility in meeting the federal law's broad goals; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to amend the No Child Left Behind Act immediately to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states such as Virginia that have successfully increased student achievement through their own standards and accountability reforms; and, be it

RESOLVED FURTHER, That such waiver be available to these states so long as they maintain their

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59 proven standards and accountability programs and do not retreat from or weaken them; and, be it
60 [RESOLVED FURTHER, That any action anticipated to enforce No Child Left Behind be deferred
61 until full funding to implement the law has been authorized; and, be it]
62 RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the
63 President of the United States Senate, the Speaker of the United States House of Representatives, and
64 the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the
65 General Assembly of Virginia in this matter.