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## SENATE JOINT RESOLUTION NO. 437

Offered January 20, 2005

*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—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 (SOL) 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 that do not have accountability; and

WHEREAS, while NCLB has a laudable purpose and may impose needed standards and accountability in states that 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 has 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 that 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 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 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 Act did not incorporate the waiver format included in the successful 1996 federal welfare reform model, in which states meeting the basic principles of the welfare reform law were allowed waivers from compliance to encourage state innovation and flexibility in meeting the federal law's broad goals; and

WHEREAS, instead, pursuant to Title IX, Section 9401 of the Act, the U.S. Secretary may waive "any statutory or regulatory requirement of this Act for a State educational agency" that requests a waiver that sets forth, among other things, a description of those federal statutory or regulatory requirements to be waived and how such a waiver will "increase the quality of instruction for students; and... improve the academic achievement of students"; and

WHEREAS, in seeking such a waiver, the state education agency will indicate, for each school year,

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59 "specific, measurable educational goals" and methods for annually assessing progress in meeting such  
60 goals; and

61 WHEREAS, certain NCLB requirements, such as the one percent cap on the percentage of children  
62 with disabilities who are permitted to take an alternative assessment and the prescribed testing of  
63 students with limited English proficiency have proved onerous and, in some instances, unnecessarily  
64 punitive to students as well as schools, and a protracted waiver process will not address such troubling  
65 consequences in a timely manner; now, therefore, be it

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

71 RESOLVED FURTHER, That such waiver be made available to these states so long as they maintain  
72 their proven standards and accountability programs and do not retreat from or weaken them; and, be it

73 RESOLVED FURTHER, That any additional action anticipated to enforce No Child Left Behind be  
74 deferred until full funding to implement the law has been authorized; and, be it

75 RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the  
76 President of the United States Senate, the Speaker of the United States House of Representatives, and  
77 the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the  
78 General Assembly of Virginia in this matter.