

NO CHILD LEFT BEHIND RESOLUTION

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

LONG TITLE**General Description:**

This concurrent resolution of the Legislature and the Governor urges Congress to review and make changes to the No Child Left Behind legislation.

Highlighted Provisions:

This resolution:

- ▶ expresses concern with provisions of the federal No Child Left Behind legislation;
- and
- ▶ urges Congress to review and modify the No Child Left Behind legislation.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, although the intent behind the No Child Left Behind legislation was laudable, there are modifications needed in the legislation;

WHEREAS, the requirement that all subgroups reach 100% proficiency using the same measure is unrealistic;

WHEREAS, alternate assessment limitations for students with disabilities are not consistent with Utah's need;

WHEREAS, identification of schools as having failed to make adequate yearly progress (AYP) or as in need of improvement without consideration of the magnitude or significance of the school's overall success in the required areas is unfair;



28 WHEREAS, the required sanctions for schools identified as in need of improvement are
29 not available in many areas of the state and may not result in a better educational experience for
30 students;

31 WHEREAS, requiring all teachers to demonstrate highly qualified status through
32 receipt of an academic major or passage of a content specific test is unrealistic for Utah's rural,
33 remote, and special purpose schools as well as special education teachers;

34 WHEREAS, the requirement that all subgroups have not less than 95% participation is
35 not appropriate, particularly since the requirement relates to limited English proficiency (LEP)
36 students after one year in the school system, even though they frequently lack previous formal
37 educational opportunity;

38 WHEREAS, funds made available to states to implement No Child Left Behind are not
39 what were promised when the legislation was passed and are insufficient to meet the demands
40 outlined in the legislation;

41 WHEREAS, the future costs of implementing the remediation portion of the No Child
42 Left Behind legislation is not included in the mandates placed on states by the federal
43 government;

44 WHEREAS, states should be allowed to establish separate starting points and
45 trajectories by subgroup so long as the trajectory results in 100% proficiency by 2014;

46 WHEREAS, states should be allowed to adopt value-added models based on the growth
47 of individual students from grade to grade, ensuring that every student achieves proficiency
48 over time;

49 WHEREAS, states should be allowed to use alternate assessments measured against
50 alternate achievement standards for students with severe disabilities beyond the 1% variance
51 allowed under No Child Left Behind, and consistent with the student's individualized education
52 plan (IEP);

53 WHEREAS, No Child Left Behind legislation should allow the limitation on the
54 percentage of students to whom this applies to be set by states' and local districts' enrollment of
55 students with severe disabilities;

56 WHEREAS, states should be allowed to develop alternative assessments for students
57 with significant disabilities who do not qualify as severely disabled but who will still more
58 appropriately be measured against a personalized performance standard consistent with the

59 state content standards and the student's IEP;

60 WHEREAS, states and districts should be allowed to identify schools in need of
61 improvement based on the group having failed to make AYP for two consecutive years with
62 the same subgroup in the same subject;

63 WHEREAS, the law should differentiate improvement status and associated sanctions
64 based on the magnitude of the school's failure to meet the AYP requirements;

65 WHEREAS, states should be allowed to target the school choice option and
66 supplemental services to those students in subgroups that did not make AYP;

67 WHEREAS, schools should be allowed to choose the order of initiating either choice of
68 supplemental services so that services can be developed or secured in response to student need;

69 WHEREAS, school districts should be allowed to develop the capacity of receiving
70 schools to meet the needs of target populations before school choice is implemented;

71 WHEREAS, small, rural, isolated, and special purpose schools and special education
72 teachers should be allowed additional time to meet the highly qualified requirements provided
73 progress toward the goal is demonstrated;

74 WHEREAS, teachers in small, rural, isolated, and special purpose schools should be
75 allowed to meet highly qualified requirements in high priority core academic areas determined
76 by the state, and without penalty of label for not having met the arbitrarily restrictive, "highly
77 qualified" requirements in all core academic areas to which they may be assigned;

78 WHEREAS, new teachers in small, rural, isolated, and special purpose schools and
79 teachers with special education licenses should be allowed to meet highly qualified status and
80 to be hired to work in schools supported with Title I funds if they meet the state licensing and
81 HOUSSE criterion as opposed to requiring an academic major in each core subject area; and

82 WHEREAS, the law already allows excusal of students who have not been enrolled for
83 an academic year as defined by the state:

84 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
85 Governor concurring therein, express concern with provisions of the federal No Child Left
86 Behind legislation.

87 BE IT FURTHER RESOLVED that the Legislature and the Governor urge Congress to
88 review the concerns outlined in this resolution and modify the No Child Left Behind legislation
89 to address them.

90 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the majority
91 leader of the United States Senate, the Speaker of the United States House of Representatives,
92 and to the members of Utah's congressional delegation.

Legislative Review Note
as of 2-10-04 6:05 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**No Child Left Behind Resolution***16-Feb-04***Bill Number HCR009***9:56 AM*

State Impact

Mailing requirements of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst