

Forum on Educational Accountability

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All Children Deserve the Opportunity To Learn

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The Forum on Educational Accountability (FEA) unequivocally supports that stated purpose of Title I of the Elementary and Secondary Education Act (ESEA) which reads “to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education” (20 U.S.C. § 6301). FEA carries forward the *Joint Organizational Statement on No Child Left Behind*, signed by 153 national organizations.

Congress, states and localities must together ensure that districts and schools, especially those serving high concentrations of low-wealth students and students of color or who are English language learners, have the resources and conditions necessary to enable their students to reach challenging academic standards and be ready for effective citizenship, lifelong learning, and college or career. This will require significant increases in financial support for the education of low-income students.

Opportunity To Learn (OTL) means children have access to high-quality early learning programs and public schools that, at a minimum, are well-resourced and well-staffed by qualified professionals; provide classes of a size to ensure individualized instruction and attention to each child’s learning needs; are safe, healthy and modern. Opportunity gaps are the differences in resources and school conditions that society provides for children and schools from place to place.

No Child Left Behind (NCLB) is the current version of ESEA. NCLB’s failure to address Opportunity To Learn and close opportunity gaps is among the law’s serious flaws. Unfortunately, millions of children across the United States, particularly low-income children and children of color, do not have adequate access to opportunity because their schools and communities cannot provide the conditions all children need to achieve at high levels. Public school expenditures for poor children average significantly less than for more privileged children, at the same time research demonstrates the need to spend more, not less, in schools serving children in poverty to address issues caused by poverty itself. While all schools need to use resources effectively, schools serving low-income students generally need additional resources.

Closing opportunity gaps sufficiently to guarantee that all children have the resources and school conditions necessary to a high-quality education is an essential precondition for closing achievement gaps. FEA recommends that Congress allocate federal resources to enhance equity and use its power to work with the states to ensure Opportunity To Learn for all students. FEA

calls on Congress to use this statement along with FEA’s earlier documents as guidance for the upcoming ESEA reauthorization. Congress should:

- (1) address funding disparities and equity in education, in its own law-making and in conjunction with the states;
- (2) support students, including those with diverse learning needs, both in school and out of school;
- (3) take additional steps toward ensuring all children have access to highly effective teachers, leaders, and other school personnel;
- (4) provide increased access to opportunity through high quality early learning;
- (5) work with the states to ensure adequate school facilities, programs, and services; and
- (6) promote school policies, including school discipline, that ensure a positive school climate conducive to learning.

We address each of these points in detail in the Recommendations below.

Forum on Educational Accountability (FEA)

FEA is an alliance of national education, civil rights, religious, disability, parent, civic and labor organizations. FEA bases its work on the *Joint Organizational Statement on NCLB* (2004), signed by 153 national groups, and subsequent statements, reports and papers.¹ Building on this work, in 2009 FEA released a second statement, *Empowering Schools and Improving Learning*, which elaborates on the key points in the initial Joint Statement and calls, among other things, for a new federal approach to enhancing equity. From time to time, FEA has released additional statements that amplify these broad documents, including “Redefining Accountability: Improving Student Learning by Building Capacity” (February 14, 2007) focusing on professional development, family involvement and accountability; and “A Research- and Experience-Based Turnaround Process” (June 17, 2010), focusing on staffing, instructional improvement, curriculum, school climate, and parent, caregiver and community engagement and support. The present document speaks specifically to Opportunity To Learn.

In “Empowering Schools and Improving Learning,”² FEA named three major changes needed in the federal role in public education:

- (1) Building capacity of school staff, parents and community to better ensure strong learning outcomes for all students;
- (2) Providing more adequate and equitable resources for all students; and
- (3) Developing an accountability system and improved assessments that focus on systemic school improvement, student learning outcomes based on multiple types and sources of evidence, and students’ Opportunities To Learn.

FEA’s concern that Congress work with states and districts to ensure Opportunity To Learn also is addressed in proposals by the current Administration, academic experts, education research, and other prominent advocates who assert that educational inequity remains a primary problem in the United States. Here are just a few examples:

- In *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*, the Administration commits to equity as one of the key priorities for the ESEA reauthorization: “To give every student a fair chance to succeed, and give principals and teachers the resources to support student success, we will call on school districts and states to take steps to ensure equity...”³
- A 2010 report from the National Committee for Responsive Philanthropy declares, “American schoolchildren face alarming inequities in educational opportunities. While the public schools attended by some U.S. students are among the best in the world, other children are cast off into unsafe, unsupportive, unchallenging, and under-resourced schools where their chances of academic success are minimal. These inequities have not arisen randomly or by happenstance. They are tied powerfully to parental wealth, education, ethnicity and race, and they persevere from generation to generation. In short, differences in educational access, quality of instruction and student outcomes are systemic problems; they will continue until the systemic inequalities are themselves addressed.”⁴
- In the July 2010 “Framework for Providing All Students an Opportunity To Learn through Reauthorization of the Elementary and Secondary Education Act,” the Lawyers Committee for Civil Rights under Law, NAACP, NAACP Legal Defense and Educational Fund, National Council for Educating Black Children, National Urban League, Rainbow PUSH Coalition, and Schott Foundation for Public Education declare: “We advance proposals to leverage federal resources available to all states in order to create the preconditions to achieve equitable opportunities for all. As a part of extending an opportunity to learn as a civil right, we call for: ‘universal’ early education for all students in all states; policies that will provide access to highly effective teachers for all students, including incentives to recruit and retain well-prepared, highly effective teachers in high-need, low-income, and rural areas; and community schools that offer wraparound services and strong, engaging instruction with adequate supports.”⁵
- Stanford University Professor Linda Darling Hammond concludes, “we know the critical components of schools that make a difference in achievement for students who are typically left behind... high-quality teachers and teaching, especially teachers’ abilities to teach content to diverse students in ways that effectively support the learning process; access to intellectually rigorous and relevant curriculum; and personalized schools that allow students to be well known and well supported, and that forge positive connections to their communities and families... Of course, these features of good schools cannot exist unless they are supported by adequate resources that assure competitive wages and strong training for teachers, supportive teaching and learning conditions, and the materials needed for learning—up-to-date curriculum materials, computers, libraries, science labs, and more. Such conditions also require policies that support an infrastructure for universally strong education.”⁶
- In May of 2010, the Governing Board of the National Council of Churches adopted a pastoral letter that asked Congress and the President “to address what are too rarely named these days: the cavernous resource gaps... underneath the achievement gaps that No Child Left

Behind has so carefully documented. We ask you to allocate federal resources for equity and insistently press states to close opportunity gaps.”⁷

- In 2005, William Mathis, professor of education finance and a Vermont school superintendent, evaluated the range of costing out studies conducted by states to discover how much money would be enough to ensure that all students can meet the standards and pass the tests required by NCLB. He pointed out, “When it comes to equality for all our children, the U.S. is among the least equitable nations in the world.” Mathis conservatively estimated, based on ten state studies, school funding nationally should be increased by 20 percent, or \$84 billion in 2002 dollars. Mathis noted that a more realistic estimate is a 35 percent increase in overall educational expenditure (\$148 billion in 2002) to ensure that all children have the supports required to ensure they can pass required tests.⁸ However, he noted, Congress had not come close to appropriating even the funds authorized for NLCB.

Recommendations

1. Congress Needs to Address Inadequate Funding, Funding Disparities and Equity in Education

Adequate funding equitably distributed is a *necessary condition to provide each child "a fair, equal, and significant opportunity to obtain a high-quality education"* (20 U.S.C. § 6301) and therefore should be an essential goal of federal policy in public education. Congress should make equity a priority and work in collaboration with the states to ensure that all students have access to resources necessary to reach academic standards and be ready for effective citizenship, lifelong learning, and college or career.

FEA recommends that the federal government should:

- objectively cost out the elements of a high quality education, including the cost of programs necessary to offer students living in poverty, learning English, and living with disabilities a genuine Opportunity To Learn;
- fully fund Title I and IDEA Part B in accordance with their current formulas and move both their funding streams from the discretionary to the mandatory category to rectify the continuing disparity between Congressional authorization of funding and actual appropriations;
- substantially increase federal funding for other Titles of ESEA and for the cost of implementing the systemic school improvements FEA has proposed, targeting the additional spending to the schools that need it most;
- enforce Title I supplement not supplant requirements and IDEA Part B maintenance of effort provisions;
- require and fund the development of statewide systems to measure and report progress (with appropriate required benchmarks) toward equity of such in-school conditions as availability and quality of: teachers and school leaders, available courses, class size, specialized instructional support personnel (SISP), effective school library programs, facilities,

technology including broadband connectivity, school climate, and family engagement; out-of-school factors including health care, housing, employment, income and community safety; and outcomes such as increased school attendance, high school graduation and college or job readiness;

- require states to develop and report strategies to rectify inequities, including funding issues, when they are identified;
- require states to report biannually on progress toward equity;
- require the federal government to compile a biannual summary of progress toward equity across the states; and
- continue to distribute Title I funds through fair formulas rather than competitive grant programs that inherently distribute money only to some schools and districts while causing many children to lose out through no fault of their own. In instances when competitive grants are appropriate, then Local Education Agencies (LEAs) must receive equitable opportunities, necessary resources, and technical assistance to apply for them.

Because ensuring Opportunity To Learn for the nation’s most vulnerable children must become a critical priority if achievement gaps are to be eliminated, FEA encourages explicit efforts for federal and state governments to establish a spirit of partnership to explore options for equity of opportunity. FEA calls on Congress to adopt FEA’s recommendations and begin an active process to address the huge opportunity gaps that exist in our nation. This must be a collaborative federal, state and local endeavor, with the federal government taking a major leadership role.

A number of organizations are grappling with how to address serious inequity in public school conditions and resources. Here are some of the recommendations that have been offered by other organizations to close opportunity gaps:

- The Administration itself addressed OTL in *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*, which declared: “To give every student a fair chance to succeed and give principals and teachers the resources to support student success, we will encourage increased resource equity at every level of the system. Over time, districts will be required to ensure that their high-poverty schools receive state and local funding levels... comparable to those received by their low-poverty schools... States will be asked to measure and report on resource disparities and develop a plan to tackle them.”⁹
- The Schott Foundation for Public Education has asked Congress to develop and implement a national opportunity to learn index that tracks access to Common Opportunity Resources such as access to high quality pre-school, prepared and effective teachers, a strong academic curriculum, and the presence of equitable instructional expenditures.¹⁰
- The Education Law Center has recommended that Congress (1) require states and districts to report the availability of the services, learning resources and conditions described herein; (2) increase federal funding to ensure that all Title I schools within districts are funded at levels at least comparable to non-Title I schools in those districts—after adjusting for the additional needs in Title I schools and without reducing funding to the non-Title I schools; and (3) require states to ensure school funding equity by demonstrating that per pupil state and local revenues for K-12 education are positively correlated with U.S. Census Bureau Poverty

Estimates across LEAs within the state and that, on average, LEAs with higher poverty rates receive higher levels of state and local revenues.¹¹

- The Center on Education Policy,¹² and the “Civil Rights Framework for Providing All Students an Opportunity To Learn¹³” have asked Congress to create an “Opportunity To Learn” Incentive Fund. The fund would be made available on a contingency, not a competitive basis, to states that take strong steps to equalize state and local education funding among school districts, adjusted for need.
- The Southern Education Foundation (SEF) explores the barriers for children living in extreme poverty, defined as annual family income at or below \$11,000—50 percent of the federal poverty level. SEF concludes that, “the median per pupil expenditure among school districts with rates of extreme child poverty of 10 percent or more was barely half the amount spent by districts with rates of less than five percent.”¹⁴ SEF recommends that “all policymakers and school officials should adopt at least an informal practice of having an ‘extreme child poverty impact assessment,’ that gauges how any major change in policy, practice, or funding in public education might adversely or positively affect the education of children in extreme poverty in their school districts.”¹⁵

2. Congress Needs to Support Students both Inside and Outside of School

Schools must support students’ physical, social and emotional development, health and well-being, as well as their academic learning. Students must also actively engage in a wide variety of experiences and settings both within and outside of the classroom. These out-of-school activities and school conditions should be understood as part of Opportunity to Learn, because readiness and wellbeing strengthen the opportunity for children to access the school curriculum as well as the ultimate learning outcomes. Along with other groups, the *Broader, Bolder Approach to Education*¹⁶ has also advocated that Congress find ways to address challenges that poverty presents for students.

Wraparound services, such as early childhood education, before-school and after school care, mental health services, medical care, meals, tutoring, family literacy classes, parenting skills classes, and adult mentoring programs are critical to ensuring students are ready to learn. Such services should be coordinated and integrated into all schools, particularly schools educating the most “at-risk” children. FEA has in previous statements advocated that Congress incorporate improved parent and family engagement into ESEA.¹⁷ Parents and the community must be an integral part of the process of identifying and implementing needed services.

Readiness of schools: The federal government and states should provide jointly funded incentives for LEA’s to conduct “ready school” evaluations focused on helping schools improve their readiness to meet the needs of all entering children. A ready school helps each child achieve appropriate grade-level academic proficiency and age appropriate social, emotional, and physical learning and development. A ready school accommodates diversity and provides children with the instruction and supports they need to learn effectively. At a minimum, a ready school evaluation should examine: (a) use of developmentally, culturally, and linguistically appropriate curricula, classroom materials, teaching practices, and instructional assessments; (b) appropriate

services and supports for students with disabilities and English Language Learners; (c) family engagement policies and practices; (d) school climate and disciplinary policies that support positive development and learning; (e) leadership and support for school staff, including professional education in the development and learning of young children and developmentally appropriate practice; and (f) outreach and collaboration with early childhood education providers in the area and other providers of services that support learning, such as nutrition, health, and mental health.

Schools should review each student's needs and, when appropriate, meet those needs by connecting students to services within and outside of school. Ensuring students are ready to learn requires more than just making support services available.

Opportunity To Learn for Children with Diverse Learning Needs: Meeting the diverse learning needs of all students requires individualized instruction and safe learning environments. English language learners, students with disabilities, tribal and indigenous students, students segregated by race or ethnicity, and children living in poverty present unique needs that must be appropriately addressed. Every student's strengths should be identified, supported, and encouraged. Removing barriers to learning for all students requires collaboration among educators (e.g. general education teachers, special education teachers, administrators, specialized instructional support personnel, and librarians), parents and other family, and community members. Achievement improves for all children when they are held to high expectations, have meaningful access to a challenging and comprehensive curriculum, and engage positively in their school and community. Appropriately integrating technology into the curriculum and using the principles of universal design for learning (UDL) can engage students and provide additional support for personalized learning, thereby helping to ensure students stay on track to graduate.

Congress should provide funding to community-based organizations that have a track record of working with schools and with culturally diverse students and parents to promote school success by providing such enrichments as after school programs. These organizations generally provide after school programs and are recognized and respected within their communities.

FEA has separately made recommendations for professional collaboration and development, as well as improved assessment to help improve schools' capacities to meet the needs of every child.¹⁸

3. Congress Needs to Take Additional Steps toward Ensuring All Children Have Access to Highly Effective Educators

Highly effective teachers, leaders, and other school personnel, such as directors of early education, directors of special education, librarians and other school administrators, are critically important to student learning and the creation of supportive school environments. Congress must take steps to ensure these professionals are available for children in all schools.

FEA promotes high quality training and professional development as absolutely essential for improving schools. FEA most fully elaborated on these principles in *Redefining Accountability*.

To those principles we add that all PK-12 educators and school professionals must also have the skills to use modern information tools, technology resources, assistive technology, and digital content, to support student learning and assessment and to assure improved leadership and management. Highly effective teachers, leaders, and other school personnel must also have training, support, and ability to work effectively with families, communities, and each other.

Specialized Instructional Support Personnel (SISP), who provide services during the school day, including mental health providers (school social workers, school counselors and, school psychologists), health-related providers (occupational and physical therapists, school nurses, and speech-language pathologists and audiologists), and other professionals (creative arts therapists, including music, art, and dance/movement), are essential for ensuring access to opportunity. Teachers and principals, particularly those serving low-income students, need the support of other school-employed professionals to enhance teachers' ability and capacity to meet individual student learning needs, manage behavior, improve instruction, and monitor student progress. These professionals work with teachers and leaders to ascertain what additional services students and families may need within and outside the school environment. School librarians also play important roles in promoting student learning.

ESEA reauthorization offers an excellent opportunity to break down silos that exist in schools between general and special education. Research demonstrates that collaboration between general and special educators improves the achievement of all students.

4. Congress Needs to Strengthen Access to Opportunity through Early Learning

Research continues to demonstrate that “early learning” contributes significantly to future school achievement and college and/or career readiness, as well as other valuable social outcomes.¹⁹ Congress must offer greater assurances and supports to assist states to develop systemic, high quality, well-funded, and integrated early learning by strengthening their ability to provide, within a reasonable time, access to high quality preschool education and full-day kindergarten. Congress should provide a separate funding stream to ensure full-day kindergarten is available for all children in Title I schools that enroll 40 percent or more low-income children. Congress can increase funding for these programs such as through the proposed Early Learning Challenge Fund and by ensuring adequate funding for Head Start and Early Head Start. Congress should also invest in the early childhood workforce, including preparation, professional development, and compensation parity.

Current research on early literacy and brain development indicates that that early learning is vital for later success. Parents, guardians and caregivers are a child’s first teachers and should be partners in their child’s education. Reading, as well as literacy and numeracy, are essential life skills. FEA notes also that public libraries are a key part of a comprehensive effort to prepare every child for school.

There must be greater coordination, collaboration and alignment between the early childhood and K-12 systems. Congress should ensure that through at least third grade, all state learning

goals include social and emotional development and approaches to learning as well as academic subject matter. To that end, Congress should fund and require states to develop comprehensive program quality attributes for early learning classrooms that address the following needs:

- ensure preschool teachers have at least bachelor's degrees and specialized training in preschool;
- ensure that class sizes are appropriately small;
- provide for site visits to monitor compliance with the quality attributes;
- ensure developmentally appropriate expectations;
- provide access to high quality early intervention services, and
- address the needs of the whole child and properly balance academic and other areas.

To help states with this process, Congress could support development of model program quality attributes.

5. Congress Needs to Help Ensure School Facilities, Programs and Services Conducive to Learning

Congress needs to work with states to ensure school facilities are conducive to learning.

Many children in our nation's poorest schools experience overcrowded and crumbling buildings lacking sufficient light, heat, air conditioning and bathrooms, and accessibility for students with limited mobility.

Congress needs to work with states to ensure all children have access to basic resources and conditions of learning, including classes of a size that ensure individualized instruction and attention to each child's learning needs, up-to-date school libraries, music and art programs, sufficient books, broadband connectivity, science labs with up-to-date equipment, modern classroom technology and digital access.

6. Congress Needs to Address Inappropriate School Disciplinary Practices

Congress should address inappropriate school discipline policies that deprive students of the Opportunity To Learn and should support positive discipline approaches. Ensuring that all students have a strong Opportunity To Learn requires supportive learning environments that keep students in school rather than suspensions and expulsions for minor misbehavior.

Unfortunately, too many schools across the country employ overly harsh zero tolerance policies with the effect of excluding youths from their education and creating a punitive and unsupportive school culture. These policies not only deprive students of learning opportunities, but also push them out of school—and too often into incarceration. Students of color bear a disproportionate share of the burden of these policies, which further exacerbate existing achievement and graduation rate gaps.

FEA urges Congress in ESEA to foster non-punitive and supportive learning environments for all students (including school-wide programs such as positive behavioral interventions and supports, and restorative justice), fund the development of discipline and school climate policies

that reduce suspensions and expulsions, gather data on discipline (particularly disparities in implementation of discipline policies), and provide technical assistance to schools with very high or disparate disciplinary rates.²⁰

In conclusion: To ensure a strong learning environment for all children, FEA asks Congress, in collaboration with the states and localities, to strengthen equity and put the resources, programs, and services required to ensure a genuine Opportunity To Learn into all schools. We welcome opportunities to provide testimony and to discuss these proposals with Members of Congress and their staffs.

References

¹ The Forum on Educational Accountability, <http://www.edaccountability.org/>, includes some of the 153 organizations that have signed the *Joint Organizational Statement on No Child Left Behind*. Signers agree to the goals of the *Joint Statement* and seek to implement its recommendations. Additional reports and statements issued by FEA, including this one, reflect this commitment and are reviewed by Joint Statement signers, but may not reflect all individual positions taken by signatories.

² Forum on Educational Accountability, *Empowering Schools and Improving Learning*, http://www.edaccountability.org/Empowering_Schools_Statement.html .

³ U.S. Department of Education, *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*, March, 2010, p. 5.

⁴ Welner, Kevin, and Amy Farley, “Confronting Systemic Inequity in Education: High Impact Strategies for Philanthropy,” National Committee for Responsive Philanthropy, p. 3
http://www.ncrp.org/files/publications/Confronting_Systemic_Inequities_in_Education_lowres.pdf .

⁵ Lawyers Committee for Civil Rights under Law, National Association for the Advancement of Colored People, NAACP Legal Defense and Educational Fund, Ink., National Council for Educating Black Children, National Urban League, Rainbow PUSH Coalition, Schott Foundation for Public Education, *Framework for Providing All Students an Opportunity to Learn through Reauthorization of the Elementary and Secondary Education Act*. 2010, p. 2, <http://www.otlcampaign.org/resources/civil-rights-framework-providing-all-students-opportunity-learn-through-reauthorization-el> .

⁶ Linda Darling-Hammond, *The Flat World and Education: How America’s Commitment to Equity Will Determine our Future*. New York: Teachers College Press, 2010, pp. 161-162.

⁷ Governing Board of the National Council of the Churches of Christ in the USA, “An Alternative Vision for Public Education,” A Pastoral Letter on Federal Policy in Public Education: An Ecumenical Call for Justice, May 18, 2010, <http://www.nccusa.org/elmc/pastoralletter.pdf> .

⁸ Mathis, William J., “Implementing the Federal ‘No Child Left Behind’ Act: Different Assumptions, Different Answers.” *Peabody Journal of Education*, Vol. 80, No. 2, Spring 2005.

⁹ U.S. Department of Education, *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*, March, 2010, p. 11.

¹⁰ Schott Foundation for Public Education, “An Opportunity to Learn for Every Child: ARRA and OTL Federal Policy Recommendations,” 2009, <http://www.schottfoundation.org/publications/otl-arra.pdf>
<http://www.schottfoundation.org/publications/otl-arra.pdf> .

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- ¹¹ Comment from the Education Law Center, Campaign for Fiscal Equity, Inc., Public Advocates, and Californians for Justice, to House Committee on Education and Labor, March 26, 2010.
- ¹² Center on Education Policy, “Better Federal Policies Leading to Better Schools,” February 2010, p 16.
- ¹³ Lawyers Committee for Civil Rights under Law, *op.cit.*, p.5.
- ¹⁴ The Southern Education Foundation, “The Worst of Times: Children in Extreme Poverty in the South and the Nation,” 2010, p.16.
- ¹⁵ *Ibid.*, p. 21.
- ¹⁶ The Broader, BOLDER Approach to Education, <http://www.boldapproach.org/> .
- ¹⁷ Forum on Educational Accountability. *Redefining Accountability*, <http://www.edaccountability.org/reports.html>.
- ¹⁸ FEA, *Redefining Accountability*, <http://www.edaccountability.org/reports.html>; FEA, *Assessment and Accountability for Improving Schools and Learning*, <http://www.edaccountability.org/reports.html>; and FEA recommendations to Congress, <http://www.edaccountability.org/Legislative.html>. -
- ¹⁹ Frede, Ellen, et al., “The APPLES Blossom: *Abbott* Preschool Program Longitudinal Effects Study (APPLES),” Interim Report, National Institute for Early Education Research (NIEER), June 2009; Belfield, Clive, “The Promise of Early Childhood Education Interventions,” in *The Price We Pay: Economic and Social Consequences of Inadequate Education*, Clive Belfield & Henry M. Levin, eds. Brookings Institution Press, 2007; Gormley, William T., Jr., “The Effects of Oklahoma’s Pre-K Program on Hispanic Children,” 2008.
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