

ENROLLED HOUSE
RESOLUTION NO. 1037

By: McCarter and Roan

A Resolution memorializing Congress and the President of the United States to issue a waiver of the requirements of the No Child Left Behind Act for Oklahoma public schools or failing that, to fully fund the Act; and directing distribution.

WHEREAS, the Members of the 2nd Session of the 49th Oklahoma Legislature most respectfully present and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, on January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001, referred to in this resolution as "the Act", which applies to all states that accept federal Title I education dollars; and

WHEREAS, the State of Oklahoma receives federal Title I dollars and is therefore subject to the Act's requirements; and

WHEREAS, the Act mandates that every public school in Oklahoma must make adequate yearly progress toward the goal of 100% student proficiency in math, reading and language arts and science by school year 2013-14; and

WHEREAS, the Act requires that an entire school be identified as failing to make adequate yearly progress in any school year when the school as a whole or any one of the following subgroups within that school fails to make such progress: students with learning disabilities and students with limited English proficiency; and

WHEREAS, it may be extremely difficult for the subgroup of students with disabilities to make adequate yearly progress in each of the measured areas each year, since those students are identified as belonging in that subgroup because of significant educational challenges, well above and beyond the normal challenges encountered by nondisabled students, that adversely affect their capacities to achieve proficiency in the measured areas; and

WHEREAS, it will be extremely difficult for the subgroup of students with limited English proficiency to meet the adequate yearly progress standard in the area of reading and language arts since those students are required to be tested in English after only three years in the public school system, which will rarely be a sufficient time for such students to become proficient in English; and

WHEREAS, failure by either the disabilities subgroup or the limited English proficiency subgroup in any given year to meet any one of the State's proficiency expectations for that year will

result in identification of the school as a whole as failing to make adequate yearly progress; and

WHEREAS, the Act imposes a series of escalating consequences and financial costs on local schools and school districts that fail to make adequate yearly progress for two or more years in a row, including offering intradistrict school choice and transportation; supplemental services, including private tutoring for eligible students; and the possibility of wholesale dismissal of teachers, paraprofessionals and administrators who are considered "relevant" to the school's failure to make adequate yearly progress; and

WHEREAS, the Act requires the State of Oklahoma to develop and local school districts to administer new testing in grades three, four, six and seven, which will further limit the time that teachers and students are able to spend on achieving Oklahoma's Priority Academic Student Skills; and

WHEREAS, the Act also requires that all Oklahoma public school teachers who teach in core academic subjects meet federal "highly qualified" standards by the end of the 2005-06 school year, with many teachers in Oklahoma's alternative education and special education programs having to become certified in all of the core academic subjects; and

WHEREAS, the Act also requires that all paraprofessionals and educational technicians working in programs funded by Title I must meet certification standards that are often higher than those that currently apply in Oklahoma; and

WHEREAS, the Act imposes significant costs on local school districts, teachers and paraprofessionals for the funding of professional development, certification upgrades, course work, choice-related transportation and private tutoring, as well as the unavoidable costs and dislocation that would arise in the event of mandatory school restructuring and staff dismissals; and

WHEREAS, the State of Oklahoma has had high standards of learning in its Priority Academic Student Skills, long before enactment of the Act, including a comprehensive statewide assessment of student achievement; and

WHEREAS, teachers prepared in Oklahoma have consistently led the nation in teacher quality, repeatedly ranked by the Education Week's Quality Counts among the top states in the nation in teacher preparation, assessment, certification, residency and professional development; and

WHEREAS, the State of Oklahoma has obtained its strong educational achievements through the efforts of its students, teachers and schools and its own Priority Academic Student Skills prior to enactment of the No Child Left Behind Act of 2001; and

WHEREAS, the congressional appropriation for Title I costs was \$3.15 billion short of the congressional authorization in 2002, \$4.32 billion short in 2003, and a projected \$6.15 billion short in 2004, for a total shortfall of \$13.2 billion over the three-year period.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

THAT the Oklahoma State Legislature, on behalf of the people of the State and on behalf of the State's outstanding system of public elementary and secondary school districts, respectfully urge and request that the President of the United States and the United States Congress accommodate Oklahoma's special circumstances by issuing a waiver of the requirements under the No Child Left Behind Act of 2001 for Oklahoma's public schools; and

THAT in the event that no such waiver is forthcoming, the United States Congress should appropriate full funding of the Act at the authorization levels called for by the Act itself; and

THAT copies of this resolution be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the Oklahoma Congressional Delegation and to Senator Edward Kennedy.

Adopted by the House of Representatives the 16th day of March, 2004.

Presiding Officer of the House of
Representatives