

**Testimony by Dr. Jack Dale**  
**Superintendent Fairfax County Public Schools**  
**House Committee on Education and Labor**  
**Subcommittee on Early Childhood, Elementary and Secondary Education**  
**“ESEA Reauthorization: Addressing the Needs of Diverse Students”**  
**March 18, 2010**

Good Morning Chairman Kildee, Ranking Member Castle and members of the committee, my name is Jack Dale, and I am the Superintendent of Fairfax County Public Schools, in Fairfax, Virginia.

**OVERVIEW**

The mission of Fairfax County Public Schools (FCPS), a world-class school system, is to inspire, enable, and empower students to meet high academic standards, lead ethical lives, and demonstrate responsible citizenship. FCPS believes that each child is important and entitled to the opportunity to realize his or her fullest potential, and that a well-rounded education enables students to lead fulfilling and culturally rich lives.

Fairfax County students achieve at high levels across a broad spectrum of pursuits. FCPS values a well-rounded education that goes beyond basics, and encompasses the arts, literacy, languages, technology, and preparation for the world of work. FCPS provides a breadth and depth of opportunities to allow all students to stretch their capabilities. More than 93 percent of FCPS graduates go on to postsecondary study—including more than 62 percent to four-year colleges. The on time graduation rate is more than 90 percent.

FCPS is the largest school system in Virginia and the twelfth largest in the United States. In the 2009-2010 school year, more than 173,000 students are served by 22,137 staff members in 197 schools and centers. Fairfax County is home to more than a million residents and reflects an increasing level of cultural, economic and linguistic diversity. Fewer than 47 percent of FCPS' students identify themselves as White; 18 percent Asian American; 18 percent Hispanic; 10 percent African American; and 6 percent Multiracial. While the county is often viewed as having wealth and resources, it also has the highest cost of living in the state. In the current school year, more than 39,000 FCPS students are eligible for the Federal Free and Reduced-Price Meals Program (FRL), a nationally recognized benchmark indicating poverty.

Fairfax County's critical issues include a rapidly growing population, increasing diversity, primarily from immigration and resettlement, poverty, extreme income disparity, high mobility, as well as the recession, which continues to significantly impact our community. Decreased revenue at the county level has led to a decrease in the amount provided to FCPS, which relies on the county for nearly 75 percent of its funding. The budget crisis in the schools will impact a wide range of programs and services, in particular programs that impact low income and language minority students.

## **ELL**

Currently in FCPS, more than 41 percent of PreK-12 students live in homes in which a language other than English is spoken (language minority students), with more than 140 different languages and 200 countries represented. Students come to FCPS from all over the world, with major groups coming from Central America (El Salvador, Guatemala), South America (Peru, Colombia, Argentina), Asia (Korea, Vietnam, China, the Philippines) and Africa (Somalia, Ghana). Some of the most recent arrivals include orphans from Haiti being united with families in Fairfax. Approximately half of FCPS language minority students (or 20 percent of the total FCPS student population) are also English language learners (ELLs – also referred to as limited English proficient [LEP] students). The FCPS ELL student population has more than quadrupled in the past 20 years.

Nationwide, ELLs are the fastest growing student population, and are projected to comprise more than 25 percent of the entire K-12 student population in the US by the year 2050. To prepare ELLs to be successful members of the 21st century global society, there is a need to articulate a clear national vision of high expectations for ELLs. This includes guaranteeing ELLs equal access to advanced academic programs, including Advanced Placement (AP) and International Baccalaureate (IB) courses, and college and career preparation programs. It is also necessary to provide ELLs with appropriate differentiated instruction and resource support to prepare and enable them to become successful in these rigorous academic settings.

It is important to include ELLs in accountability systems, to ensure that they are also being provided equal access to and quality instruction of content area standards. However, ELLs should be assessed with measures that are fair, valid, reliable, and appropriate for their current English language proficiency level while they are learning academic English. States should be given the resources to provide those appropriate alternative assessments for ELLs, especially when assessing literacy.

Research demonstrates that it can take five to seven years to acquire the type of academic English necessary to be academically successful. Since ELLs' educational background varies greatly, their academic achievement and English language proficiency should be assessed using multiple measures, with a focus on their progress and growth over time. ELLs who enter US schools during the secondary level should be provided with additional time, as necessary, to fulfill graduation requirements without penalizing schools through the accountability measures.

ELLs development of English, as well as the knowledge of their home language, should be promoted and cultivated so that they can learn to communicate in two or more languages to enhance their ability to be successful participants of the global economy of the 21<sup>st</sup> century. Innovative models of providing high quality, successful, rigorous, and challenging instruction to ELLs should be promoted, rewarded and shared nationwide as demonstration models. ELL student populations are growing most rapidly in areas around the country that previously did not have ELL populations. Therefore, all instructional personnel need pre-service and ongoing in-service professional development on successful, research-based strategies for working with

ELLs in the classroom.

## **IDEA**

The underfunding of the actual cost of programs for students with disabilities at the federal level impedes services to all students. Federal funding for IDEA has not been brought to the level deemed appropriate when PL 94-142 was enacted in 1975 to help school districts maintain quality in special education and slow the drain of funds for services to students who are not disabled.

IDEA requires that services mandated in each student's IEP must be funded. These services in the IEP cannot be cut when budgets are tight, so cuts to other students go a little deeper. Even in good times, there is real budget tension between special education and general education. Only additional funding or regulatory relief can ease the budget tensions and help school districts deal with shortfalls in state and local revenue as a result of the recession.

Currently FCPS serves 24,502 students with disabilities through IEPs. Of particular concern is that while the number of students with mild disabilities has increased only slightly, the number of students with severe disabilities has increased significantly. These students receive more than 50 percent of their education in self contained settings. The number of students with significant disabilities has risen by 12 percent. In the area of autism alone, there has been an increase of 413 students from 2007 to 2009. The cost to educate these students can be in excess of \$10,000 per student in addition to the general education per pupil cost. The services are IEP-driven and are mandatory requirements of a law that is funded at approximately 15 percent of the cost to the district. Stimulus funding through the IDEA created some partial support in this area but with the loss of this funding in FY12, the education services to all students will be compromised. Permanent funding must be found to close this gap.

## **ASSESSMENT REQUIREMENT**

The testing requirements in IDEA and NCLB initially produced results which were not useful in planning individual or group instruction for students with disabilities who function at low to very low cognitive levels. The tests based on the federal requirements measure proficiency based on long lists of grade level standards but are not connected to a clear objective, like readiness for the next grade, or college/career readiness. These laundry-list tests were clearly not suited for students who function at a very low level.

This resulted in the adoption of the one percent rule, which helped to ensure that the information coming from tested students would be a more accurate reflection of overall student performance. However, the many standards and the lack of internal connectivity among the standards still resulted in tests where students functioning at lower cognitive levels, but not the lowest, faced few items they could answer, leaving the assessments unreliable for these students as well. The United States Department of Education came up with a two percent rule to deal with inaccurate and unreliable tests for this next tier of students. The two percent rule has not been easy to implement because federal rules still insist on standards rigidly tied to grade levels and because of the lack of appropriate assessments designed to address the continuum

of cognitive functioning. Virginia created the Virginia Grade Level Assessment (VGLA) in an attempt to respond to the two percent challenge. While a step in the right direction, the VGLA has not proven adequate. In fairness, no assessment will be adequate until federal requirements permit adaptive assessment and until there are fewer, clearer standards that build step by step to a logical measurable end, like college and career readiness.

Assessment provides a valuable staff development opportunity. Teachers learn more, and schools improve when they are provided time to sit down and analyze the data from these assessments with their teams. They work together to apply what they have learned from the analyses to formulate plans to bridge the gaps on student achievement

## **FUNDING**

All of these accountability programs and assessments have a direct and substantial impact on local resources. The estimated local cost to FCPS of the underfunded federal programs is listed below:

- IDEA - \$43 million (would have been nearly \$62 million without stimulus)
- NCLB - \$16 million
- ELL - \$51.5 million
- Homeless - \$112,000 for staff (not including additional classroom resources) and \$500,000 in transportation costs covering taxis, buses, vans, and gas and smart trip cards.

Additionally, FCPS is eligible for greater Impact Aid under current allotment formulas than is received. However, because Impact Aid is not fully funded, school divisions like FCPS that have large overall operating budgets relative to their Impact Aid eligible population receive proportionately fewer Impact Aid dollars. If fully funded according to the federal definition, FCPS would receive \$15.8 million in Impact Aid; instead of the \$3.5 million received in FY 2009.

## **LOOKING TO THE FUTURE**

Assessment can and should improve, and we have many of the tools necessary to improve these tests. Performance assessment and adaptive assessment have made huge strides in reliability and validity since the adoption of No Child Left Behind. The new ESEA and then the new IDEA must permit the use of these more accurate assessments. Educators want to improve accuracy by measuring growth or progress over time. Time can be measured by grade level or by years in school, but there must be a beginning point for each student that is accurate and tracks over time. Such measures require a clear end target and equally clear steps and benchmarks along the way.

Assessment must move from a once a year event to a regular occurrence that is built into the learning experience. Results must be available within hours, not months, and the results must be individualized. School districts must also be permitted to include valid and reliable assessments they develop or purchase along with required state assessments to provide a more complete picture of student achievement in the aggregate and for individual students.

Then the two percent rule could be eliminated because the continuum of cognitive functioning will be accommodated in the assessment design.

More importantly every high scoring country internationally is using high-quality performance assessments. No country that scores high on international benchmarks like the Programme for International Student Assessment (PISA) or Trends in International Mathematics and Science Study (TIMSS) is using the type of tests required by IDEA/NCLB to improve schools or to measure student achievement, so why are students in the US left using the Model T version of assessment?

Standards must improve too. States now have long lists of standards for each tested grade level. These standards exist in isolation from each other and do not include internal steps or benchmarks that would inform students, parents, teachers, and administrators about student progress. Fewer, clearer standards that build to an easily understood and measured end point such as college and career readiness are a must if students are to have a clear road map to success. In particular, special education and ELL students and their parents need that map to plan their futures.

Students who do not speak English well enough to take a content test in English are also disadvantaged by the requirements of IDEA/NCLB and by the rules established by the US Department of Education to implement those programs. At some point on the continuum of mastery, a student's content knowledge can be accurately assessed in English. Until they get to that point, there are too few items on current tests to accurately and reliably gauge their academic achievement -- the content tests simply become a measure of their comprehension of the English language. The rigid rules about time in school assume a uniform rate of learning English which is not consistent with what we know about student language mastery. There must be some flexibility in determining readiness for content-level testing and then the assessments themselves must be improved to give students the best opportunity to demonstrate their content knowledge.

Instead of choosing assessments based on what is educationally sound and best for our students, the assessments being used appear to have been chosen largely based on their cost. State of the art testing will require new resources, and those resources must come from the Federal Government. We cannot require states and localities to use of high quality assessments without making the resources available to implement them properly. Our students need and deserve these changes to stay competitive in our dynamic global economy.