



COUNCIL OF CHIEF STATE SCHOOL OFFICERS
ONE MASSACHUSETTS AVENUE, N.W., SUITE 700 · WASHINGTON, DC 20001-1431
202 336 7000 TEL · 202 408 8072 FAX
WWW.CCSSO.ORG

June 16, 2004

The Honorable George Miller
U.S. House of Representatives
Washington, DC 20515

The Honorable Edward Kennedy
U.S. Senate
Washington, DC 20510

Dear Representative Miller and Senator Kennedy:

On behalf of the nation's state superintendents and commissioners of public education, we applaud your ongoing efforts to ensure that the No Child Left Behind (NCLB) Act is being successfully implemented in a manner that best serves the educational needs of all children. Today, as you introduce the No Child Left Behind Fairness Act of 2004, we commend you for recognizing that many of the schools identified by NCLB for improvement last year would have demonstrated better results under more recent interpretations of the law. Out of fairness to the educators and families who were identified as not making sufficient academic gains, a process should be created allowing educators to take a second look at last year's results and reconsider the findings if they choose to do so.

For more than two years, state education agencies, local school systems, and the U.S. Department of Education (ED) have been struggling to align educational practices with the requirements of NCLB. The implementation has been a learning process for all stakeholders, and NCLB continues to evolve as state education agencies and ED uncover new possibilities allowed by the law. Many states have changed their approach to NCLB, and more recently, ED has adopted new interpretations and regulations allowing for some flexibility. Unfortunately, this means that many of the initial accountability determinations made in the 2002-2003 school year were made under a system of policies and regulations that are now outdated. As a result, many schools were identified for improvement last year, when in fact, current policies would now recognize those same schools as having successfully demonstrated progress.

Because NCLB has sanctions that are based on the number of consecutive years a school does not demonstrate progress, inaccurate determinations made in 2002-2003 will have significant repercussions for the affected schools. Not only have the schools faced public scrutiny, but the sanctions also create significant financial burdens.

We are sure you understand the implications of a school being identified for improvement. In order to achieve buy-in from stakeholders and the general public, we must ensure that the sanctions and labels required by NCLB are consistently applied within each state and for each school. Thank you for your leadership on this issue.

Sincerely,

Patricia Sullivan

G. Thomas Houlihan
EXECUTIVE DIRECTOR