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## 14 States Ask U.S. to Revise Some Education Law Rules

By DIANA JEAN SCHEMO (NYT) 791 words

WASHINGTON, March 24 -- Fourteen states asked the Bush administration on Wednesday for permission to use alternative methods for showing academic gains under the No Child Left Behind law.

The 14 states, most of which had their own systems for raising academic performance in place before the federal No Child Left Behind law took effect two years ago, charged that as currently written, the law would brand too many schools "in need of improvement," and thus squander limited resources.

The states, including Alaska, California and Connecticut, said that schools showing academic gains under their statewide system should escape the failing designation under the federal law, even if that progress falls short of the law's requirements.

They asked for permission to use "growth models," in which schools would avoid the federal law's remedies and penalties if they showed academic gains, even if those gains fell short of the amount required for all students to reach academic proficiency by 2014, as the law mandates.

In a letter to Education Secretary Rod Paige, the 14 chief state school officers wrote that "without any changes to the law, calculations suggest that within a few years, the vast majority of all schools will be identified as in need of improvement. Many of those schools will be given that designation despite having shown steady and significant improvement for all groups of students."

The appeal comes as more and more states have passed resolutions criticizing No Child Left Behind, and the federal Education Department has moved to give states greater flexibility in carrying out the law. In recent months, Dr. Paige has relaxed some of the law's more stringent requirements on the testing of children who are learning English and disabled children, as well as provisions demanding that schools hire only teachers who are qualified for the subjects they are teaching.

The state education chiefs acknowledged that the changes they were requesting could not be accommodated within the current law, and asked for Congress to revise the law -- something that Congress appears unlikely to consider this year.

Under the federal education law, states must show steady progress toward all students reaching proficiency by 2014. Schools must break down results by grade, economic level, ethnicity and disability, with a specific percentage of students in each subgroup required to achieve grade-level performance until -- at least theoretically -- all would do so by 2014.

Schools in which any subgroup of students, in any grade, fail to reach the mark fall short under the federal law. Two years of doing so means the schools must offer children the option to transfer to a school that is not failing, and pay their transportation costs. After three years, they must offer private tutoring. And after five years, the school can face closing and new management.

"We have limited resources," said Jack O'Connell, California's superintendent of public instruction. "To divert it to things like busing doesn't make sense to us."

Eugene Hickok, acting deputy secretary for elementary and secondary education, said the kind of changes California and the other states are seeking could be granted only if the law were revised. He also said estimates that the vast majority of schools would be deemed sub par were probably overstated.

While acknowledging "some merit" to Wednesday's suggestion, Mr. Hickok said that he did not support revising the education law. Doing so would "open up opportunities for all kinds of problems. There are lots of people who would like to revisit the statute to gut it."

The schools chiefs also came under immediate fire from the Congressional architects of the law, including Representative George Miller of California, the ranking Democrat on the House Committee on Education and the Workforce.

Under the growth model that California was proposing, Mr. Miller said: "They are sort of always arriving, but they never get there. We want all of our fourth-grade children to be proficient in reading and math and other subjects. Growth alone can't be good enough."

Representative John A. Boehner, the Ohio Republican who is chairman of the education committee, also had harsh words. "These changes would gut the No Child Left Behind Act and make it easier for states to go back to hiding the fact that some children are being denied a quality education, even as those states accept billions in increased federal education funds," he said. "It's a very bad idea, and it doesn't seem to have attracted much support on either side of the aisle in Congress."

In addition to Alaska, California and Connecticut, the states that signed the letter were Arizona, Idaho, Louisiana, Maine, Montana, Nebraska, Nevada, New Hampshire, Pennsylvania, Utah and Washington.

**CAPTIONS:**