

TESTIMONY ON R.B. 7024

March 18, 2015

Dear Chairs Fleischmann and Slossberg and Members of the Education Committee:

I am a parent of one child in Stamford Public Schools (SPS) and two SPS graduates. I am also a taxpayer in Stamford.

I am writing to oppose the changes in calculating a school performance index and district performance index proposed in Raised Bill 7024. I do support more oversight over the waiver application process. However, I fear this bill comes too late to have any effect on the renewal of the NCLB waiver, since SDE plans to submit that application within days.

First, it is quite likely that the NCLB waiver itself is unconstitutional, as it violates the clear notice requirement in the spending clause of the U.S. constitution (because the waiver imposes conditions not in the original legislation) and its mandates conflict directly with the original law, NCLB, in requiring that certain things be taught in state schools. For example, the CCSS demands that children read in kindergarten. (a completely developmentally inappropriate requirement- <http://deyproject.org/2015/01/13/our-new-report-reading-instruction-in-kindergarten-little-to-gain-and-much-to-lose/>) This requirement dictates what is taught in kindergarten. 20 U.S.C. Section 7371 clearly states that:

Nothing in this subchapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this chapter.

For more on the unconstitutionality of the NCLB waiver, please see this law review article: "Federalizing Education by Waiver?" by Professor Derek

Black. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2485407

Making a Bad Situation Worse

Nonetheless, if Connecticut is intent on continuing with this questionable waiver, it certainly should not make it any worse. The proposed new criteria for calculating school and district performance does just that.

The waiver provided negligible funding to our underfunded neediest districts, while imposing many more mandates. Although SED, in its application for renewal of the waiver, touts that it provided \$250 million dollars over three years to our alliance districts, given that these districts are responsible for educating over 222,000 students, that works out to about \$374 per student per year. SED neglected to

mention the costly additional mandates that came along with the waiver. In fact, prior to the submission of the first waiver application in 2012, I submitted and presented testimony to SED requesting a cost analysis be done before jumping on the waiver bandwagon. That request was ignored.

The waiver ranks and sanctions schools – those in the lowest rungs are also our most underfunded schools. Now, R.B. 7024 bill proposes to punish these schools and districts further by holding them accountable for things beyond their control, such as accessibility to gym, arts and civics education and post-secondary school education. Whether a district has funds to provide adequate gym, art and civics education depends on the funding the state provides. It is manifestly unjust to judge districts and schools for something the state is failing to do. It is similarly unfair to hold schools and districts accountable for college attendance of its graduates. Are school districts responsible for the high tuitions at colleges and universities that may prevent students from attending?

Connecticut owes our neediest districts over a billion dollars in education funding. Before holding schools “accountable” for circumstances often well beyond their control, I respectfully submit that the State should shoulder some long-overdue responsibility for ensuring that our schools have enough resources to provide a constitutionally adequate education.

Please do not make a bad situation (the waiver) worse by imposing ridiculous criteria to punish already financially strapped schools.

The Waiver Application Process

I applaud your efforts to provide some oversight and controls on the process of applying for ESEA Flexibility, otherwise known as the NCLB waiver. In 2012, the process was only made public after an outcry, and it appears that SDE did not take into consideration any of the testimony presented. This waiver has imposed long-lasting and costly changes in our education policy, and was undertaken by the former Education Commissioner without any cost analysis prior nor any consideration of the consequences of the waiver. Vermont refused to apply for the waiver because the mandates contained therein were contrary to sound education policy.

My fear is that this bill comes too late. The Interim Commissioner plans to submit an application for renewal within days. After that happens, the provisions of this bill governing the application process will be moot. Is there any way to slow down the process? I appreciate any efforts you may undertake to stop this runaway train.

Thank you.

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