

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. C. R. No. 1

Senator Miller, D.

**Cosponsors: Senators Fedor, Turner, Stewart, Smith, Miller, R., Roberts,
Cafaro, Sawyer**

CONCURRENT RESOLUTION

To urge the President and the Congress of the United 1
States to amend the No Child Left Behind Act of 2
2001 to ensure more flexibility and to fully fund 3
the appropriations authorized in the Act. 4

**BE IT RESOLVED BY THE SENATE OF THE STATE OF OHIO (THE HOUSE OF
REPRESENTATIVES CONCURRING):**

WHEREAS, On January 8, 2002, President George W. Bush signed 5
into law the No Child Left Behind Act of 2001 (NCLB), which 6
applies to all states that accept federal Title I education funds 7
and aspires to reform primary and secondary education in the 8
nation by prescribing increased accountability of schools through 9
regular student testing and high teacher qualification standards; 10
and 11

WHEREAS, NCLB mandates that every public school make adequate 12
yearly progress toward the goal of 100% student proficiency on 13
tests in mathematics and reading and language arts by the end of 14
the 2013-2014 school year; and 15

WHEREAS, NCLB requires that an entire school or school 16
district be identified as failing to make adequate yearly progress 17
in any school year in which the school or district as a whole or 18

any one of the following subgroups within the school or district 19
fails to make such progress: (1) students with disabilities, (2) a 20
major racial or ethnic group, (3) economically disadvantaged 21
students, or (4) students with limited English proficiency; and 22

WHEREAS, It will be extremely difficult for 100% of all of 23
the identified subgroups of students to make adequate yearly 24
progress in each of the measured areas, since those students are 25
identified by federal law as belonging in a subgroup because of 26
significant educational challenges that are above and beyond the 27
challenges encountered by other students; and 28

WHEREAS, Failure by any subgroup in any given year to meet 29
any one of the state's proficiency expectations for that year in 30
the federally mandated academic areas will result in 31
identification of the school or district as a whole as failing to 32
make adequate yearly progress; and 33

WHEREAS, This unreasonable standard will wrongly identify 34
many of our successful public schools and districts as "failing"; 35
and 36

WHEREAS, Adequate yearly progress subgroup standards make it 37
more difficult for larger and more diverse schools and districts 38
to meet federal standards because they must meet more performance 39
targets than schools and districts that are more homogeneous, 40
smaller in size, and have wealthier students; and 41

WHEREAS, NCLB imposes significant financial costs on states, 42
school districts, teachers, and paraprofessionals for staff 43
development, certification upgrades, coursework, school 44
improvement strategies, choice-related transportation and private 45
tutoring, as well as the unavoidable costs and dislocation that 46
would arise in the event of mandatory school restructuring and 47
staff dismissals; and 48

WHEREAS, In 2004, the Superintendent of Public Instruction 49

submitted to the General Assembly a detailed financial analysis of 50
the projected costs of compliance for the state and for each 51
school district with the No Child Left Behind Act, which estimated 52
the cost to Ohio of complying with the Act will reach \$1.447 53
billion annually in fiscal year 2010; and 54

WHEREAS, Although many of the provisions of NCLB reflect 55
noble goals, especially regarding closing the achievement gaps 56
between subgroups of students, the President and the Congress of 57
the United States have failed to fund NCLB in a manner that makes 58
these goals fully attainable; now therefore be it 59

RESOLVED, That we, the members of the 128th General Assembly 60
of the State of Ohio, urge the President and the Congress to amend 61
the No Child Left Behind Act by doing both of the following: 62

(1) Adopting more common-sense and flexible requirements and 63
assessments for special education students and students for whom 64
English is a second language; and 65

(2) Adopting more equitable requirements for schools and 66
school districts; and be it further 67

RESOLVED, That we, the members of the 128th General Assembly 68
of the State of Ohio, urge the President and the Congress to 69
appropriate full funding for NCLB at the authorization levels 70
called for by NCLB itself; and be it further 71

RESOLVED, That the Clerk of the Senate transmit duly 72
authenticated copies of this resolution to the President of the 73
United States, to the members of the Ohio Congressional 74
delegation, to the Speaker and Clerk of the United States House of 75
Representatives, and to the President Pro Tempore and Secretary of 76
the United States Senate. 77