



October 6, 2009

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The Honorable Nancy Pelosi
Speaker, U.S. House of Representatives
235 Cannon House Office Building
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Dear Speaker Pelosi:

The California Small School Districts' Association (SSDA) requests amendments to the Elementary and Secondary Education Act (ESEA) / No Child Left Behind Act (NCLB) during reauthorization. Specifically, SSDA requests amendments to the following provisions:

- 1) Title I Allocations to School Districts
- 2) Requirements for Highly Qualified Teachers in Small Rural Areas
- 3) Requirements of Transportation for Students from Program Improvement Schools in Rural Areas
- 4) The Statistical Accuracy of Test Results Particularly for Subgroups When There are Small Sample Sizes in Any One Grade level
- 5) Title II Enhancing Education Through Technology
- 6) Parental Testing Opt-Out
- 7) Continuation of the Rural Education Achievement Program for Rural School District Assistance
- 8) Development of a School Renovation and Repair Program
- 9) Shift from Formula Grant Funding to Competitive Grants
- 10) Other ESEA Program Issues

1) Title I Allocations to School Districts

SSDA requests an amendment to the Title I allocation methodology in order to accomplish three goals. The first goal is to ensure a minimum allocation to school districts that have Title I students. The second is to allow alternatives to the census poverty count for the allocation of Title I funds. The third is to increase funding for basic grants and restore the historic proportion of funds allocated for Title I basic grants compared to the other Title I grant programs.

Small District Minimums

The current Title I provision does not allow funding to a school district that has fewer than ten Title I eligible students or fewer than two percent of their students eligible for Title I.

SSDA believes that because ESEA effects all school districts which have Title I students, there ought to be a minimum allocation for those districts that have fewer than ten students eligible for Title I funding.

Specifically, SSDA believes there ought to be sufficient funds to provide reimbursement for one Full-Time Equivalent (FTE) aide to work with such students. The annual cost for such a FTE aide is approximately \$20,000. Consequently, SSDA requests a minimum allocation of \$20,000 for those school districts that have fewer than ten Title I eligible students.

Rationale

The fact that there are fewer than ten Title I students does not mean that these students do not have a need for educational assistance. This need is particularly true in the situation of a small school where there may be only 50 students, with almost 20% of the students in poverty and the other 80% close to poverty. Not recognizing the effects of poverty, simply because there are fewer than ten students, disadvantages those students. SSDA believes that Title I should be a student need driven program rather than a benchmark number program. SSDA believes that there ought to be a minimum allocation for any school that has a sizeable percentage of Title I children, even if that does not convert to ten or more eligible students.

Use of Alternatives to Census Poverty Count for Title I Allocation

Currently, states are able to request a waiver to using the census poverty count for Title I funding eligibility. Not all states have applied for waivers, and different waiver provisions have been granted to different states. SSDA believes that, regardless of whether a state has or has not asked for a waiver, there ought to be a consistency applied alternative for all rural school districts.

SSDA believes that the ESEA reauthorization should include a provision where rural school districts, meaning those school districts that are eligible for Rural Education Achievement Program (Title VI) funding, are able to substitute their free lunch count students in lieu of the census poverty count.

Rationale

The Census Bureau uses a sampling methodology to determine poverty counts. The Census Bureau concurs that it does not work well in small sample sizes. The effect for rural America is that the census calculations are not accurate. Free meal counts more accurately reflect true poverty in these areas. A count of all the students who are eligible for free meals can be adjusted on an annual basis to reflect changes in pupil demographics. This will provide more accuracy and more statistically reliable validation of the poverty counts in each rural school district.

Title I Basic Grant Funding

Many smaller districts have been losing Title I funds even though they have not been losing Title I eligible students. The cause of this is a reallocation of Title I funding from basic grants into the other grants that are focused on aiding concentrations of poverty. Rural poverty is still important.

SSDA believes that basic grants should form the foundation of Title I services. The basic grants should not be used for redirection to other Title I programs. SSDA believes that the Title I basic grant should be restored to its former per pupil funding levels adjusted for inflation and be restored to a level proportionate to all Title I funds for basic grants and the other grant allocations.

2) Requirements for Highly Qualified Teachers in Small Rural Areas

SSDA requests an amendment to ESEA regarding highly qualified teachers in small rural schools, particularly small, rural high schools. The credentialing requirements and the economics of small high schools do not fit together. Small, rural high schools do not have enough money to hire all the teachers necessary to meet the instructional program and also be highly qualified teachers in every subject area.

The reality is when a teacher leaves a small, rural high school, that teacher may have been a mathematics teacher with a background in algebra and geometry, some trigonometry and limited calculus. That teacher may have also been required to teach an earth science class or an introduction to chemistry class, as well as the mathematics classes. There might not have been sufficient students in the high school to fully utilize the instructor's time for six hours a day solely in mathematics.

The result is that many teachers in rural high schools teach in subject areas where they do not have a major or a master's degree in that subject matter. These teachers, however, may be fully capable of teaching the assignment because of professional development and work in the subject area to improve their instructional skills.

SSDA believes that small rural high schools and middle schools should be allowed to employ as highly qualified teachers, those individuals who pass state proficiency tests in subject matters in which they will be teaching.

3) **Requirements of Transportation for Students from Program Improvement Schools in Rural Areas**

SSDA requests a reauthorization amendment that the transportation costs be limited to 20% of the per pupil amount of Title I funds generated by the students requesting to be transported.

SSDA also requests that rural school districts be authorized to charge a supplemental fee to the parents if the Title I funds are not sufficient to fully meet the transportation costs.

SSDA recognizes that, in this situation, the remaining Title I per pupil funds should be transferred to the receiving school or school district.

Currently, school districts must spend an amount equal to 15-20% of their Title I funds providing transportation from program improvement schools to non-program improvement schools, if the students' parents want such transportation. Often there is only one high school in the district. The next high school could be 40, 60 or 80 miles away. The transportation cost in such situations can be excessive. Twenty percent of the program improvement school Title I funding could be significantly greater than the per pupil Title I amount being generated by the students being transported.

The effect of such a situation in rural areas is that the remaining students, who have chosen not to have transportation, will receive a lower level of Title I services in order to provide transportation for those students choosing to leave.

If all students choose to leave the program improvement school, 20% is not sufficient to fund the transportation and parents would either have to be charged a fee, or the transportation would have to be subsidized by the district, or the transportation would not be provided.

SSDA also requests that small and rural school districts be provided flexibility and waivers from supplemental service provider requirements based on cost and availability.

4) **Statistical Accuracy for Subgroups**

SSDA recommends adopting a three-year rolling average of subgroup and small sample size scores to accurately reflect academic achievement and be less subject to uncontrollable variables that occur because of small sample sizes.

SSDA is concerned that the current subgroup methodology does not contain sufficient statistical accuracy to be valid in small sample sizes. SSDA believes that a sample size of 17 per grade level is an appropriate sample size.

For a school district or for a school, SSDA believes that this ought to be the factor for determining whether there is or is not a subgroup subject to the requirements of the ESEA average yearly progress requirements.

SSDA also believes this because of the variations that can occur with a few students moving into or out of a school district or a few students having difficulties at home because of economic circumstances, such as the mill closing or other economic factors frequently impact rural America. A three-year averaging should be adopted for any school district that has fewer than 600 students and all districts in Frontier Counties.

SSDA recommends that Special Education students and English Language Learners have unique AYP calculations based on their individual education plan and their achievement growth adjusted for English Language proficiency.

5) Enhancing Education Through Technology (EETT)

SSDA supports EETT reauthorization with formula changes to allocate a greater amount of funds through formula grants, small school minimums and increasing the percentage for professional development.

Courseware for Rural Schools

SSDA requests that a pilot program be developed to test the delivery of high speed broadband courseware by highly qualified teachers that would meet the academic standards of the state in which the rural school district is located.

The provision of high quality coursework taught by highly qualified teachers will assist small, rural high schools in meeting the curriculum requirements for students to meet state and federal standards.

SSDA believes this type of program would address many of the concerns with ensuring fully credentialed highly qualified teachers in the ESEA required subject matters.

For this reason, SSDA believes such an expansion of enhancing education through technology would directly address the intent of Title II in both teacher training and in using technology to improve education.

6) **Parental Opt-Out For Standardized Testing**

SSDA recommends students, whose parents have submitted valid requests to exclude the student from standardized testing requirements, not be counted as eligible to take the standardized test.

California allows parents to opt-out of standardized tests for their children. This provision ensures parental choice and control over the types of questions that are asked of their children. California law does not count these children within the calculation of those eligible to take the test. Federal law, however, does count these students as eligible to take the test. This divergence results in many very small, rural schools not meeting the percentage of test taker requirements in the NCLB.

SSDA believes the students are the parent's children and the parents ought to be able to determine whether or not they want their children taking government tests. For this reason, SSDA believes that school districts should not be penalized by being placed in program improvement if some students are excluded from standardized testing. For a very small school district, a change of two students could result in that district not meeting its 95% testing requirement. SSDA believes this is an unnecessarily rigid provision of federal compliance regulation and ought to be amended.

7) **Rural Education Achievement Program (REAP) Funding for Small Rural School Districts**

SSDA encourages Congress to retain the REAP and relook at the minimums to better reflect the instructional funding requirements for small rural school districts.

SSDA also requests that the definition of "rural" and the school district size limits be reviewed to more accurately reflect rural districts in urban counties and the assumption that county rural areas have the same population growth as urban areas.

SSDA strongly supports and appreciates that Congress established REAP and hopes it will continue as a significant part of reauthorization for ESEA.

8) **Development of a School Renovation and Repair Program**

Small, rural school districts do not have access to the same level of property taxes as larger districts to meet local school renovation and repair needs. HR 3221 would provide grants to state and local school districts to renovate, repair and modernize schools for the fiscal year 2010. HR 3221 would allocate the same percentage of funds to states and school districts as they receive under Part A of Title I of the Elementary and Secondary Education Act with a guarantee that each district receive a minimum of \$5,000. SSDA believes this program should be an ongoing program within the ESEA reauthorization.

9) **Shift from Formula Grant Funding to Competitive Grants**

As stated earlier, small school districts do not have grant writers on staff. Consequently, shifting more federal funds into competitive grants puts these districts at a disadvantage and provides a greater advantage for federal funding to larger school districts. SSDA requests that if the federal government is intending to shift more resources into competitive grants, then similar-sized districts should be able to compete against similar-sized districts. Specifically, SSDA proposes that funds be set aside for school districts between:

- 0 – 1,000 students
- 1,000-5,000 students
- 5,000-25,000 students
- Greater than 25,000 students

The school districts in each size category in each state would compete against each other for the funds set aside for their size category in that state. This ensures that: 1) there are competitive grants and that the best grants are funded; and 2) the best projects are funded rather than the best grant writers. Without providing a more equitable competitive process, SSDA is concerned the outcome will reward the grant writers in large districts, rather than quality program proposals made by smaller school districts.

10) **Other ESEA Program Issues**

- **Title III: Bilingual, Immigrant and English Language Learner Students**
SSDA believes it is the state's responsibility to determine the assessment tools and requirements for bilingual, immigrant and English Language Learner students.

SSDA believes the role of federal government – as it pertains to bilingual, immigrant and English Language Learner students – is limited to supporting states and districts with rapidly increasing diversity. This could include support for local instructional methods, financial assistance for tutors and help in recruiting ELL instructors and tutors for geographically isolated areas.

- **Title IV:** SSDA supports efforts to provide local school districts with funds to address the new and ongoing safety and drug-related challenges in rural America. SSDA believes that the Safe and Drug-Free Schools Program should continue as a stand-alone program and that the program should be free of any state set-asides in funding so that 100% of the program dollars flow to local districts to maximize the local impact.

SSDA supports legislative efforts to create and expand opportunities for after school programs in rural areas. SSDA believes any after school programs operated from the federal level must consider the needs of rural schools and ensure equitable distribution of those programs to maximize participation by students in rural communities.

- **Title V:** SSDA supports the Education Innovative Block Grant as a critical source of flexible money for local districts to nurture new programs and test ideas.

SSDA recommends increasing the percentage of funding that flows directly to school districts under the Education Innovative Block Grant, as well as establishing a minimum guaranteed grant size.

- **Title VI:** SSDA supports the expansion of transferability to 100 percent of federal formula grants to better serve children. SSDA opposes being allowed to take money out of Title I. Rather, districts should only be permitted to add funding to Title I.

Thank you for your consideration.

Sincerely,



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