

**ANALYSIS OF PRESIDENT  
GEORGE W. BUSH'S  
EDUCATION PLAN**

**CITIZENS' COMMISSION ON CIVIL RIGHTS**

**March 1, 2001**

## **Acknowledgments**

The Citizens' Commission on Civil Rights is a bipartisan organization established in 1982 to monitor the civil rights policies and practices of the federal government and to seek ways to accelerate progress in the area of civil rights. This analysis was written by Dianne M. Piché, Executive Director, and William L. Taylor, Acting Chair, with assistance from Pamela M. Cherry, Director of the Citizens' Commission's Title I Project. Phyllis McClure, Robert Rothman, and Kathleen Downey also contributed their expertise to the analysis. Khara Minter provided administrative assistance. The Citizens' Commission is especially grateful to the John D. and Catherine T. MacArthur Foundation, the Ford Foundation, the Spencer Foundation, and the Annenberg Foundation for their support of our work in the area of Title I and public education reform.

## **Introduction: Setting the Stage for Bold Action to Improve Schools**

In 1998, midway through the current authorization of federal programs for elementary and secondary education, the Citizens' Commission on Civil Rights observed:

[T]he central elements of standards-based reform are not "Democratic v. Republican" or "liberal v. conservative" ideas. High standards for all children is a goal that is generally embraced, and holding schools and school systems accountable for producing academic progress is a strategy espoused by conservative business leaders as well as liberal academicians. It may well be that an Administration prepared to make its case for reform and for the limited but critically important role of the national government would gather broader support than it apparently expects. Few people anticipated in advance the coalescence of views that led to passage and effective enforcement of equal educational opportunity laws and policies in the 1960s.<sup>1</sup>

Now, President George W. Bush has outlined his education proposals, which in many significant respects, would continue and build upon the reform legislation adopted in 1994. At the same time, President Bush's proposals, by embracing block grants and failing to provide resources, could undermine many of the goals for reform he espouses. The result is that many children would be left behind. *No Child Left Behind* provides an outline for more detailed legislative proposals to reauthorize the Elementary and Secondary Education Act (ESEA). In this plan, the President calls broad public attention to the persistent achievement gaps between rich and poor and between white and minority students. And like his predecessor, he understands the primary importance of – and federal interest in – assuring that all children can read competently by the third grade. These recognitions are commendable, as is the Administration's acknowledgement that "the federal government is partly at fault"<sup>2</sup> and his advocacy of a "more effective federal role" in education.

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<sup>1</sup> Citizens' Commission on Civil Rights, *Title I in Midstream: The Fight to Improve Schools for Poor Kids* (1999)

<sup>2</sup> See, e.g., *Title I in Midstream* (detailing Clinton Administration's lax enforcement of Title I provisions designed to ensure high standards for all students and to close achievement gaps).

In advocating a strong federal role in raising academic standards and in closing the achievement gap, the President parts company with powerful political constituencies in both major parties – many of whom have, for far too long, excused or accepted the depressingly low academic performance of many poor and minority children. For example on one question that never seems to go away – “does money make a difference?” – The President has repudiated both the notion embraced by conservative advisors that improvement can be had without increasing education spending, as well as advocacy of some in the education establishment for major increases in funding with only weak accountability for results.

Significantly, the President seems to recognize what is undisputed among leading experts: that money wisely spent and targeted to effective strategies can significantly increase outcomes for disadvantaged students. Consistent with this approach, for example, the President's recently released proposals for an early-grade reading initiative would provide additional funds, over and above Title I, but would also require that schools utilize research-based approaches to literacy development. Moreover, the President recognizes the importance of holding adults responsible for making sure all children are able to read and to succeed in school.

At the same time there are elements of the President's plan that could leave many children behind, especially children who are trapped in substandard schools in high-poverty neighborhoods. Such children are disproportionately children of color and include children from migrant, homeless and immigrant families, children with disabilities and those who are not yet proficient in English.

## **Title I Proposals**

The centerpiece of the President's plan is a set of recommendations to reauthorize Title I of the Elementary and Secondary Education Act (ESEA). Last authorized in 1994, Title I is the federal government's largest program of educational assistance to elementary and secondary schools, providing over \$8 billion annually to meet the needs of disadvantaged students. Title I now serves over 11 million students, of whom 30 percent are Hispanic and 28 percent are African American. Nearly one in five Title I participants have limited English proficiency, and close to one in ten have disabilities.<sup>3</sup>

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<sup>3</sup> U.S. Department of Education, *Promising Results, Continuing Challenges: The Final Report of the National Assessment of Title I* (1999).

The President's Title I proposals appear to include: an extension of current law (including many reforms enacted under the Clinton Administration), several new proposals (some helpful, some not) and apparent rollbacks of some current protections and reforms.

### *Maintaining Current Law*

As we read the President's plan,<sup>4</sup> many of the proposals for standards, assessment and accountability build upon or duplicate the 1994 reforms. We note that these reforms were broadly supported by civil rights and advocacy organizations, parents and educators, the previous Administration, and, significantly, a bipartisan agreement of the Congress. These measures now embraced by the new Administration include:

- State content standards in reading and math
- State assessments in reading and math
- Reports to parents on their children's assessment results
- Reports to the public on achievement data disaggregated by race, gender, limited English proficiency (LEP), disability, and socio-economic status (although the plan does not include migrant status, as in current law)
- State-determined definitions of "adequate yearly progress" of schools and districts
- Assistance to turn around low-performing schools
- Corrective action to assure remedies for children in persistently low-performing schools

These reforms (and others) in the 1994 law sought to eliminate the dual systems of public education that had offered watered-down schooling and low expectations for poor students while ensuring greater resources and more rigorous academics for more affluent students. Although we have criticized the pace of change under the revised Title I – and the unwillingness of education and other officials at all levels of government to take effective steps to eliminate inequity – there is powerful evidence that the Title I reforms, when done right, can be a powerful tool to improve outcomes for disadvantaged children. The Citizens' Commission and many other organizations, including the

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<sup>4</sup> Since the Administration has submitted very little legislative language to accompany its broad plan, some matters are unclear.

Leadership Conference on Civil Rights, have advocated staying the course with these measures, while improving federal oversight and giving states, school districts and schools the resources and support they need to bring about effective change.

### *Improvements Over Current Law*

In addition, subject to review of actual legislative language, the following proposals of the new Administration may be improvements over current Title I law:

- *The addition of state content standards in science and history.* For students in Title I schools to be prepared to be effective citizens and to contribute to the global economy, they must be provided with challenging and effective instruction in these subjects, as well as math and reading. (We note, however, that the Administration has not proposed that states develop aligned assessments in these subjects, include them in accountability systems or take steps – including providing qualified teachers and equipping labs – to ensure that students in Title I schools have meaningful opportunities to attain these new standards.)
- *The emphasis on closing achievement gaps between disadvantaged students and other students.* Specific proposals include: a) requiring “adequate yearly progress” (AYP) for disadvantaged students, as well as for the overall student population;<sup>5</sup> b) providing rewards to states and schools that make progress in closing the achievement gap; and c) withholding some state administrative funds to states that fail to narrow the achievement gap.<sup>6</sup> The 1994 Senate Report accompanying the Improving America’s Schools Act noted: “The Committee does not intend ... for a school or LEA to be deemed to have made adequate progress if its overall students’ performance is acceptable but the performance of disadvantaged students

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<sup>5</sup> [Note: The Citizens’ Commission’s position has been that *this requirement is in current law*; however, officials in the Clinton Administration disagreed with us and did not require states to calculate AYP separately for economically disadvantaged students.]

<sup>6</sup> [Note: The Department of Education currently has broad fund-termination authority under, e.g., General Education Provisions Act and Title VI of the Civil Rights Act of 1964, but this would be the first time Congress has directed the Department to cut off federal funds based on failure to improve student outcomes.]

served is not satisfactory.” The Citizens’ Commission has chastised states and the U.S. Department of Education for failing to enforce provisions in current law requiring separate accountability for poor and LEP students. Although other proposals for ESEA reauthorization may go further than the President’s plan, his insistence on a clear mandate that disadvantaged students as a group make adequate progress is an improvement over current law, as it has been implemented.

- *State accountability plan.* The President has proposed requiring states to submit a state accountability plan for improving student achievement to the Secretary for approval in order to receive ESEA funds. The Citizens’ Commission agrees it is important for the Department to determine whether states have a credible plan for turning around low-performing schools. We note, however, that a major component of the accountability plan – the state definition of “adequate yearly progress” – is a requirement of current law with which states must comply *this school year*. In the fall of 2000, the Department issued draft criteria for reviewing state accountability systems and told states they would be asked to submit evidence of compliance by this spring. To date, however, the Bush Administration has given no indication it would follow through and review plans for compliance with current law.
- *Parents’ right to transfer their child out of a failing school.* Current law includes a right to transfer (including transportation costs) on the menu of corrective actions a local educational agency is authorized to take against failing schools.<sup>7</sup> The law now also permits states, as a remedy for parents in whole districts in need of improvement, to provide a right to transfer to other school districts.<sup>8</sup> The reauthorization bill approved by the House of Representatives during the last Congress, however, would have made this remedy mandatory during the corrective action phase of school improvement. The President’s proposal endorses this concept, which had also been embraced by the Clinton Administration and would extend the right to transfer to another public school after two years’ failure to make adequate progress. The President, however, has muddied the waters by

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<sup>7</sup> 20 U.S.C. Sec. 6317(c)(5)(B)(VII).

<sup>8</sup> 20 U.S.C. Sec. 6317(d)(6)(B)(VI).

proposing further to offer parents vouchers for private school tuition, or to pay for their private services, after three years of school failure. [See discussion of vouchers on page 10.]

- *The enhancement of public reporting requirements.* While the President's proposals do not go as far as others in providing information to parents and the public, they are improvements over current law. Parents need to have good information on their children's schools. They also want to understand how their own child's school compares to other schools and school districts and whether the school is progressing or moving backwards. When a school's overall achievement is substandard, parents need to understand that their own child's academic struggles may not be the child's or parent's fault, but the result of deficiencies in the school as a whole or in the system. When parents have good "consumer" information, they can make better decisions for their children and take action where appropriate. In cities and towns across the country, where states and districts have agreed to provide the information, parents are using it to be effective advocates for school improvement and to participate in the democratic process.
- *The use of the National Assessment of Educational Progress (NAEP).* The concept of using NAEP as a check on states' standards and assessments and to guard against states' adopting watered-down standards or tests is a positive step. NAEP is a well respected assessment and could serve as a measuring rod for states without becoming a "national test." (We note, however, that study is needed to ensure technical and policy concerns about the appropriate uses of NAEP, and steps are taken to ensure the appropriate inclusion of LEP students in those assessments. The Citizens' Commission recommends the Administration request the assistance of the Board on Testing and Assessment in providing guidance and expertise.)

### ***Administration Proposals That Could Leave More Children Behind***

Several proposals in the President's plan threaten to leave more children behind rather than expand educational opportunity.

## Proposals for Annual Testing

A requirement to test all students every year in grades 3-8 could undermine requirements of current law, and the efforts of many states, to design and implement "standards-based" assessment systems. Current law calls on states to develop standards-based assessments in at least reading and math, to administer them in the grade of their choice at the elementary (3-5), middle (6-8) and high school levels, and to use results for accountability purposes. Specifically, the President's annual-testing requirement:

- *Confuses the differences between assessments for school accountability and those designed to measure individual student progress or to diagnose difficulty in mastering the material.* The former are provided for in current law. The latter can and should be developed, with state and district assistance, to assist teachers and schools but do not necessitate the annual standardized testing called for in the proposal.
- *Raises concerns about the potential misuse of these additional tests for high stakes purposes, such as retaining or tracking students or denying diplomas.* Concerns have been growing that assessments designed to help students by making school officials responsible for their progress will instead be used only to visit adverse consequences on the students. The new Administration could help allay these concerns if it announced that it will enforce the Office for Civil Rights' guidance published in December 2000 to protect students against inappropriate test use.
- *Could lead to widespread adoption and use of commercially produced, norm-referenced tests that do not contribute to academic improvement.* "Off the shelf" tests are readily available and relatively inexpensive, whereas good "standards-based" assessments are time-consuming and expensive to develop, administer and score. The commonly-used commercial tests (e.g., SAT-9, CTBS), however, are not properly aligned with state standards, rely almost exclusively on multiple-choice items and do a poor job of measuring higher order thinking and writing skills. Moreover, they are hardly ever aligned with the curriculum

unless the curriculum has evolved substantially into “test prep.”<sup>9</sup>

- *Fails to address the need to ensure that the curriculum is aligned with the standards and that the tests measure what students are taught.* Before tests proliferate, steps must be taken to assure that schools receive the professional development, materials and other assistance they need to ensure that the curriculum they deliver prepares students to meet the standards.
- *Signals a possible retreat from the Department of Education's commitment to standards-based assessment and accountability.* Over the course of the last year, the Clinton Administration required all states, pursuant to the 1994 law, to submit their plans for final Title I assessments to the Department for review and approval. The Department determined whether the states were meeting key requirements in current law (e.g. for alignment of assessments with standards; for technical quality; and for inclusion and appropriate assessment of all students, including those with disabilities, with limited English proficiency and attending charter schools). As of January 19, 2001, the Department had issued decision letters to 34 states. While the Department found that 11 states were in compliance with Title I assessment requirements and safeguards, it also determined, significantly, that 20 states had deficiencies serious enough to warrant only “conditional approval” or to compel them to seek a waiver of the spring 2001 deadline for full compliance. Moreover, three states – California, West Virginia and Wisconsin – were so egregiously out of compliance that the Assistant Secretary determined they would need to enter into compliance agreements with the Department in order to keep federal funds flowing to the states. Among other deficiencies, the Department found that the states' heavy reliance on norm-referenced tests did not meet Title I's requirements that assessments be aligned with state standards.

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<sup>9</sup> We recognize that tests like the SAT-9 may have helped some states (like Alabama) and districts (like Philadelphia, which has used an “enhanced” version) launch accountability systems during the Title I “transition period” between 1995 and 2000. We also know that states and districts remain free, at their discretion, to use such tests as one of a number of measures of schools' performance. But these tests should not assume a prominent role in the standards-based accountability systems called for in the 1994 act.

*No Child Left Behind*, however, is silent on the issue of “alignment” with standards and calls into question the commitment of the new administration to pushing states to continue to develop and improve their standards-based assessments, as Congress envisioned in the 1994 amendments. Similar concerns also apply to safeguards in current law with respect to assessment of LEP and disabled children. (While these requirements were more frequently breached than observed by states, they were a high compliance priority under the Clinton Administration.)<sup>10</sup>

*At minimum, the ESEA should not permit the expansion of testing for accountability purposes to additional grades until such tests are aligned with standards, reflect the curriculum actually taught in all schools and ensure that the requirement of inclusiveness and accommodation in current law are maintained.*

### **Block Grants**

The President, along with various lawmakers, has proffered plans to use block grants to deregulate federal education programs. While the scope of the proposal is not entirely clear from the *No Child Left Behind* document, block grants such as the Administration's “charter states” proposal and last year's “Straight A's” proposal pose a challenge to the reform effort that the President says he supports.

- *States and school districts already have considerable flexibility.* The 1994 reauthorization granted unprecedented flexibility, including options to waive provisions of the law considered unworkable or obstacles to reform. The Commission is aware of no credible evidence suggesting that federal requirements are unduly burdensome or unreasonable, especially when balanced with their purpose of safeguarding important rights and interests.
- *Existing flexibility requirements have left some children behind.* While the jury is still out on the efficacy of the Ed Flex program, a recent review by the Citizens' Commission raises serious concerns, including the following:

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<sup>10</sup> See *Closing the Deal* (Citizens' Commission report on Title I final assessments, released 3-1-01).

- *Texas*, an early Ed Flex state, provides a blanket waiver, allowing any Title I school to operate a schoolwide program. Current law allows only those schools whose enrollment is more than 50 percent poor to do so. Others are required to submit waiver requests to the Department, which are evaluated on a case-by-case basis to ensure there is no dilution of services to the students at greatest academic risk. While the Citizens' Commission favors schoolwide approaches because strengthening the school generally means greater opportunity for students, allowing low-poverty Title I schools to use funds on a schoolwide basis can deny services to poor children.<sup>11</sup>
- *Delaware* was recently granted Ed Flex approval despite weak or vague plans for adequate yearly progress, corrective action and inclusion of LEP students.
- *Pennsylvania* was also approved despite a poor track record on inclusion of LEP students and a finding by the Department of only "minimal" provisions for technical assistance and corrective action to help low-performing schools.
- Finally, the Department approved *Kansas* for Ed Flex despite a number of troubling defects in the state's plan including: failure to ensure the quality and rigor of locally-adopted assessments, insufficient evidence of full inclusion of LEP and disabled students, and a definition of AYP that codifies low expectations and fails to assure that all students meet proficiency standards.
- *Block grant proposals could permit states to override requirements to serve particular populations of students in need, such as poor and migrant students, immigrants, homeless children, and neglected and delinquent youth.* Such students targeted by particular ESEA programs, are often among the most vulnerable in our communities, and their parents have the least clout in local or state decision-making about education dollars. The protection of federal law is needed to ensure they are included in school improvement programs and that they receive the assistance they need to be successful in school.

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<sup>11</sup> See *Title I in Midstream*, Chapter VII.

- *Previous block grant proposals, such as "Straight A's" in the last Congress, would have allowed states to disregard requirements to target resources to high-poverty areas or to students with the greatest needs. Instead, states could have allocated federal funds in any manner permitted by state law.*
- *The document does not indicate whether and to what extent states and districts will be permitted to disregard important civil rights, fiscal requirements (including maintenance of effort and "supplement not supplant") and other safeguards. These requirements and safeguards have long been important to ensuring that the neediest children benefit from the aid. In contrast, under both the current federal waiver authority and the Ed Flex program, recipients may not waive these bottom-line requirements.*
- *Finally, block grants tend to undermine accountability goals. Last year's "Straight A's" proposal would have allowed states to defer accountability for five years. Since accountability measures are just now taking effect after a six-year process, it would be a denial of opportunity to children to postpone them further.*

### **English Language Learners (ELLs)**

The President's proposals with respect to students with limited English proficiency are addressed in greater detail in research commissioned by the Harvard Civil Rights Project and in an analysis issued by the Hispanic Education Coalition. Two aspects of the President's plan are particularly troubling and merit mention here:

First, the plan sends a message that ELLs do not need to be taught math, science and other subjects at the same time they are learning English. The Citizens' Commission believes federal law – both the current Title I and the civil rights laws – requires that English language learners must be provided access to the core curriculum, as well as be provided with appropriate language instruction. If English language development is all that "counts" under the President's accountability proposals,<sup>12</sup> then

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<sup>12</sup> Current law requires state definitions of AYP to address the progress of limited English proficient (LEP) students. Other proposals for Title I reauthorization also would require separate progress for ELLs students compared to students who already are proficient in English. *Leave No Child Behind* and a related draft from the Administration, however, requires separate progress in the content areas only for "disadvantaged"

the plan could result in millions of LEP students being left behind in subjects like math, science, and others.

Second, the plan does not include provisions for assessing Spanish-speaking students in Spanish where an assessment written in Spanish would provide a more accurate measure of such students' knowledge and skills. Three-quarters of ELLs students are Spanish speakers, and assessments written in Spanish are used in Houston and elsewhere in Texas to measure student progress in meeting standards. Spanish language assessments are now widely available, and where they are not, the federal government should invest in ensuring they are developed and used where appropriate.

### **Private School Vouchers**

Members of the Citizens' Commission represent a diverse cross-section of American leadership and have not taken a formal position in support of or in opposition to private school vouchers. The Commissioners are united, however, in their commitment to quality, diverse schools and to public school choice.<sup>13</sup> We have supported, for example, providing parents a right to transfer their children out of persistently failing schools and have long supported magnet schools and a range of other measures to provide racially diverse and desegregated schools.

The President's proposal to provide vouchers to parents of students in schools that have not made adequate progress or that are deemed "unsafe," however, raises a number of civil rights concerns that the President and other proponents have yet to adequately address, including:

- *Establishment and free exercise of religion.* These principles may be at risk by the mismatch between a growing diverse student population and a narrower range of religious private schools.
- *Affordability to poor parents.* The proponents do not address how the poorest parents will be able to make up the difference

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students. The only progress required for ELLs in the plan is in acquiring English proficiency.

<sup>13</sup> See, e.g., *Difficult Choices: Do Magnet Schools Serve Children in Need?* (Citizens' Commission on Civil Rights, 1997)

between the cost of private school tuition, or other procured services, and the amount of the voucher.

- *Civil rights protections.* The proposal does not address whether and to what extent parochial schools and other private service providers will (or can) be expected to adhere to important civil rights laws, such as those protecting students and staff against discrimination on the basis of race, ethnicity, gender, and disability. What, for example, will be the responsibility of private schools to enroll children with disabilities whose education requires higher than average expenditures?
- *Accountability.* Very little attention has been paid to the special problems that may be involved in holding private schools accountable for student progress.

### Resources

The President's proposal for funding elementary and secondary education through Title I and other provisions of the Elementary and Secondary Education Act calls for only a small increase. This increase is more modest than the proposals made by his predecessor and well short of what experts regard as full funding of Title I.

The fact is that standards-based reform will provide opportunity for disadvantaged children only if they have access to good teaching, small classes and a curriculum that prepares them to reach high standards. In its 1999 report, *Testing, Teaching, and Learning*, the National Research Council concluded:

“ In our view, standards-based policies can affect student learning only if they are tied directly to efforts to build the capacity of teachers and administrators to improve instruction.” (p.3).

This will happen only if resources are made available to help states and districts increase the supply of highly qualified teachers, provide rewards and incentives to such teachers to teach in schools with greater needs, ensure that teachers at high-poverty schools will have access to professional development programs that have proven successful, reduce class size in these schools, and ensure that they have up-to-date curriculum materials.

The Bush proposal pays scant attention to these needs. Nor, despite the three-decade struggle in Texas to redress inequities in school finance, does the Bush Administration demonstrate an awareness of the vast disparities in school funding that still exist in many states—disparities that almost always harm disadvantaged children. The Bush proposal does not call upon states to level the playing field as a condition of receiving federal funds.

As long as federal resources are kept at a low level and the federal government does not insist that states deal with the maldistribution of resources within their own systems, public education in this nation will continue to be marked by a denial of equality of opportunity.

## **Conclusion**

The most urgent need in American education today continues to be to remove barriers to opportunity that face poor children, particularly children of color, children with disabilities and those with limited English proficiency. Children living in concentrated poverty – who are disproportionately African American and Latino – continue to face the greatest obstacles. A bipartisan Congress sought to address the needs of such children beginning in 1988 and then again in 1994, with changes to the federal Title I program. Although they have been slow to take hold, the 1994 reforms – which call for high standards, accountability for results and assistance to failing schools – offer the best hope for addressing the educational needs of the poor on a national scale. Across the country, schools, districts and even entire states are demonstrating that these standards-based reforms are sound and workable, and, when done right, can lead to substantial improvements.

We are encouraged by the President's determination to close the achievement gap and to use Title I as a primary vehicle by which to do so. We support his embrace of standards and accountability and his attention to the need to improve teacher quality. We applaud his desire to forge a bipartisan agreement on federal education programs, and we share his desire to move our nation forward, united in the objective of providing equal educational opportunity to all.

We are disappointed, however, that the President has simultaneously put forth proposals that could undermine accountability and school improvement and thus leave even more children behind.

Most importantly, the Administration largely disregards the lessons of the last several years – that more resources are needed to assure high quality teaching in high-poverty schools and that federal action is needed to deal with the impact of state inequities in resources on poor children.

What is needed now is bold action to strengthen and to enforce provisions in current law, as well as to ensure that high-poverty schools and school districts have the resources (including qualified teachers) they need to provide all children with the opportunity to meet high standards.

Specifically, the Citizens' Commission calls on the President, Education Secretary Rod Paige, members of Congress, and their advisors to take into account the following recommendations for strengthening the Title I program and improving opportunity for our nation's most vulnerable school children:

1. Congress should ratify the principles of standards-based reform contained in the 1994 amendments to Title I of the Elementary and Secondary Education Act by reauthorizing the Act for at least five more years.
2. Congress should take additional steps to improve the capacity of schools and school districts in areas of concentrated poverty to meet the challenge of helping all their students to reach high standards. In particular, Congress should adopt measures that will:
  - Attract the most able people to teach in high-poverty areas.
  - Improve the skills of teachers through enhanced opportunities for professional development.
  - Direct more resources for such critical needs as smaller class sizes and up-to-date curriculum materials to schools with high concentrations of poverty.
3. The President and the Secretary of Education should announce the resolve of the Administration to implement and enforce Title I to secure its primary purpose: equalizing the learning opportunities available to poor and non-poor children. To that end, they should direct federal officials to take the following steps to resume enforcement of provisions in current law to:

- Ensure that states hold all children to the same high standards and use aligned assessment tools to measure their progress.
  - Ensure that states and school districts make a broad and challenging curriculum available to all children.
  - Insist that states carry out their statutory mandate to set forth a program for assisting local districts and schools achieve the capacity to help students meet high standards.
  - Insist that children with limited proficiency in English and children with disabilities be included in assessments and be given needed accommodations.
  - Ensure that states provide meaningful remedies for children who are trapped in failing schools or school systems.
  - Ensure that assessments meet the requirements of federal civil rights laws and the Office for Civil Rights guidance and are used only for purposes for which they are valid and reliable.
4. Governors and state and local education leaders should heed the mandate of Title I and, in many cases, their own state laws and policies, to ensure that poor and minority children reap the benefits of standards-based reform. They should redouble their efforts to fully comply with Title I and to ensure opportunity to learn for all students.