

HOUSE JOINT RESOLUTION NO. HJ0006

NCLB-waiver.

Sponsored by: Representative(s) Wasserburger

A Bill

for

1 A JOINT RESOLUTION requesting Congress to waive the
2 requirements contained within No Child Left Behind Act of
3 2001 to accommodate Wyoming's special circumstances.

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5 WHEREAS, on January 8, 2002, President Bush signed into law
6 the No Child Left Behind Act of 2001, referred to in this
7 resolution as NCLB, which applies to all states that accept
8 federal Title I funds; and

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10 WHEREAS, the State of Wyoming receives federal Title I
11 funds and is therefore subject to the requirements
12 contained within NCLB; and

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14 WHEREAS, NCLB mandates that every public school in Wyoming
15 must make adequate yearly progress toward the goal of one

1 hundred percent (100%) student proficiency in mathematics
2 and reading by school year 2013-2014; and

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4 WHEREAS, NCLB requires that an entire school be identified
5 as failing to make adequate yearly progress in any school
6 year in which the school as a whole or any one (1) of an
7 identified subgroup fails to make adequate yearly progress,
8 including students with disabilities and students with
9 limited English proficiency; and

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11 WHEREAS, it may be difficult for a subgroup of students
12 with disabilities to make adequate yearly progress in each
13 of the measured content areas each year, since those
14 students are identified as belonging in that subgroup
15 because of significant educational challenges, well above
16 the challenges encountered by nondisabled students, that
17 adversely affect their capacities to achieve proficiency in
18 the measured content areas; and

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20 WHEREAS, it will be difficult for a subgroup of students
21 with limited English proficiency to meet adequate yearly
22 progress in the content area of reading since those
23 students are required to be tested in English after only
24 three (3) years in the public school system, which is an

1 insufficient amount of time for such students to become
2 proficient in English; and

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4 WHEREAS, failure by either the students with disabilities
5 subgroup or the limited English proficiency subgroup in any
6 given year to meet any one (1) of Wyoming's proficiency
7 expectations for that year will result in identification of
8 the school as a whole as failing to make adequate yearly
9 progress; and

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11 WHEREAS, NCLB imposes a series of escalating consequences
12 and financial costs on local schools and school districts
13 that fail to make adequate yearly progress for two (2) or
14 more consecutive years, including offering intradistrict
15 school choice and transportation, supplemental educational
16 services, and the possibility of dismissal of teachers,
17 paraprofessionals and administrators who are considered
18 "relevant" to the school's failure to make adequate yearly
19 progress; and

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21 WHEREAS, NCLB requires the state of Wyoming to develop
22 additional new assessments in grades three, five, six and
23 seven, which will further limit the time that teachers and

1 students are able to spend on achieving proficiency in
2 content areas required for state graduation; and

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4 WHEREAS, NCLB also requires all Wyoming public school
5 teachers who teach in core academic subjects to meet
6 federal "highly qualified" standards by the end of school
7 year 2005-2006, with teachers new to the profession having
8 to pass a rigorous state test in the content areas they
9 will be teaching; and

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11 WHEREAS, NCLB also requires all paraprofessionals and
12 education technicians working in programs funded by federal
13 Title I funds to meet certification standards that are
14 often higher than those currently imposed in Wyoming; and

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16 WHEREAS, NCLB imposes significant costs on local school
17 districts, teachers and paraprofessionals for the funding
18 of staff development, certification upgrades, course work,
19 choice-related transportation and supplemental educational
20 services, as well as the unavoidable costs and dislocation
21 that would arise under mandatory school restructuring and
22 staff dismissals; and

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1 WHEREAS, the State of Wyoming has had high education
2 standards since 1997, long before enactment of NCLB,
3 including the comprehensive statewide assessment of student
4 achievement through the statewide assessment system known
5 as WyCAS, and including a system of local assessments
6 within each local school district; and

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8 WHEREAS, the State of Wyoming for many years has been one
9 of the highest-ranked states in the nation for student
10 achievement, ranking high in the nation in 2001 in the
11 National Assessment of Educational Progress scores, ranking
12 high in the nation in 2001 for small class size, per pupil
13 funding and adequacy, and ranking high in the nation in
14 2001 in the state high school completion rate and regularly
15 ranking among the top states in the nation in student
16 academic performance on national testing in grades four and
17 eight; and

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19 WHEREAS, the State of Wyoming has obtained its strong
20 educational achievements through the efforts of its
21 students, teachers and schools and its own system of public
22 education prior to enactment of NCLB; and

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1 WHEREAS, enactment of NCLB has resulted in only a four
2 million nine hundred thousand dollar (\$4,900,000.00)
3 increase in Title I funding for the state in 2002 over and
4 above the 2001 level that applied before NCLB mandates; and

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6 WHEREAS, the Congressional appropriation for Title I was
7 three billion one hundred fifty million dollars
8 (\$3,150,000,000.00) short of the Congressional
9 authorization in 2002 and four billion three hundred twenty
10 million dollars (\$4,320,000,000.00) short in 2003, and a
11 projected six billion one hundred fifty million dollars
12 (\$6,150,000,000.00) short in 2004, for a total shortfall of
13 thirteen billion two hundred million dollars
14 (\$13,200,000,000.00) over the three (3) year period.

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16 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
17 *LEGISLATURE OF THE STATE OF WYOMING:*

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19 **Section 1.** That the Wyoming State Legislature, on
20 behalf of the State's outstanding system of public
21 education, respectfully requests the President of the
22 United States and the Congress of the United States to
23 accommodate Wyoming's special circumstances by issuing a

1 waiver of the requirements under the No Child Left Behind
2 Act of 2001 for Wyoming's public schools.

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4 **Section 2.** That in the event such a waiver is not
5 forthcoming, the Wyoming State Legislature respectfully
6 requests the Congress of the United States to appropriate
7 full and complete funding of the No Child Left Behind Act
8 sufficient to fund the authorization levels specified
9 within the No Child Left Behind Act of 2001.

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11 **Section 3.** That the Secretary of State of Wyoming
12 transmit copies of this resolution to the President of the
13 United States, to the President of the Senate and the
14 Speaker of the House of Representatives of the United
15 States Congress, to the Wyoming Congressional Delegation,
16 to the Governor of Wyoming and to the Wyoming State
17 Superintendent of Public Instruction.

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(END)