

OVERVIEW

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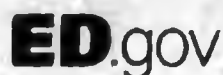
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Center for Rural Education Established at Education Department; William Smith Named Director

FOR RELEASE:
December 16, 2005

Contacts: Jim Bradshaw
(202) 401-1576

Tucson, Ariz. — The U.S. Department of Education today announced the creation of the Center for Rural Education to address challenges facing rural schools and named former U.S. Commissioner of Education William L. Smith as its director.

Housed within the Office of Vocational and Adult Education (OVAE) and working in tandem with the Secretary's Task Force for Rural Education, the center will serve as an information resource for policymakers at the local, state, and federal levels.

Beto Gonzalez, acting assistant secretary for the Education Department's Office of Vocational and Adult Education, made the announcement in remarks to a national meeting of the Council of Chief State School Officers in Tucson, Ariz.

Gonzalez also chairs the department's Rural Education Task Force, which met this week in Washington to discuss efforts to promote excellence in rural education through the *No Child Left Behind Act*.

In a statement from Washington, U.S. Secretary of Education Margaret Spellings hailed the creation of the new center and said, "I believe that every child, including those who attend a rural school, deserves the benefit of a quality education promised under *No Child Left Behind*."

"I am committed to addressing the needs of our students, educators, and parents in rural America," the secretary said. "This new center will take a leadership role in advancing the cause of rural education."

The center's director, William Smith, was the last U.S. commissioner of education in the former Office of Education, located in the former Department of Health, Education and Welfare, before it became a separate department in 1980.

Since that time, Smith has served in various management roles within the Education Department.

The U.S. Department of Education estimates that nearly 42 percent of the nation's public schools are in rural communities or small towns.

A primary goal of the center will be to update *The Condition of Education in Rural Schools*, a report last released by the U.S. Department of Education in 1994. The center will also host a series of focus groups and forums to highlight issues facing rural education.

The Office of Vocational and Adult Education in which the center will be located has a long history of helping rural America. For years, the office has included liaison staff to the National FFA Organization, formerly known as the Future Farmers of America.

The *No Child Left Behind Act* is the bipartisan landmark education reform law designed to change the culture of America's schools by closing the achievement gap, offering more flexibility to states, giving parents more information and options and teaching students based on what works. Under the law's strong accountability provisions, states must describe how they will close the achievement gap and make sure all students, including those with disabilities, achieve academically.

More information about the Center for Rural Education is available at: <http://www.ed.gov/nclb/freedom/local/rural/index.html>.

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**A National Dialogue:
The Secretary of Education's
Commission On The Future Of Higher Education**

FACT SHEET

"It is time to examine how we can get the most out of our national investment in higher education. We have a responsibility to make sure our higher education system continues to meet our nation's needs for an educated and competitive workforce in the 21st century." –Secretary Margaret Spellings

About the Commission

Developing a National Strategy

On September 19, 2005, United States Secretary of Education Margaret Spellings announced the establishment of A National Dialogue: The Secretary of Education's Commission on the Future of Higher Education. Its charge is to ensure that America's system of higher education remains the finest in the world and continues to meet the needs of America's diverse population by expanding opportunity, innovation, and economic growth. Composed of nineteen representatives from both public and private sectors as well as *ex officio* members from the Department of Education and other Federal agencies, the Commission will address vital questions such as:

- How can we ensure that college is affordable and accessible?
- How well are institutions of higher education preparing our students to compete in the new global economy?

The Commission will submit a final report by August 1, 2006 to the Secretary.

More information about the Commission is available at:

<http://www.ed.gov/about/bdscomm/list/hiedfuture/about.html>

Secretary Spellings' Remarks

Announcement of the Establishment of the Commission

<http://www.ed.gov/news/speeches/2005/09/09192005.html>

Webcast of Proceedings, Transcript & Testimonies

<http://www.ed.gov/about/bdscomm/list/hiedfuture/meetings.html>

Upcoming Meetings

February 2-3, 2006

Paradise Point
San Diego, CA
(Commission Meeting)

February 7, 2006

Crowne Plaza
Seattle, WA
(Field Hearing)

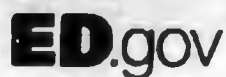
April 6-7, 2006

Hilton Indianapolis
Indianapolis, IN
(Commission Meeting)

To Register:

Contact Carrie Marsh
202-205-8741
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Registration is also available upon arrival.



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Growth Models: Flexibility and Accountability

November 1st 2005

"A growth model is a way for states that are already raising achievement and following the bright line principles of the law to strengthen accountability. We're open to new ideas, but we're not taking our eye off the ball."
 – Secretary of Education Margaret Spellings

In April, Secretary Spellings announced a New Path for No Child Left Behind—a set of common-sense principles to guide States in meeting the law's goals.

- This New Path "equation" includes the primary elements of the law, such as annual testing and reporting of subgroup data, plus increasing student achievement and a narrowing of the achievement gap, plus overall sound state education policies that ensure that progress is being made.
- States that show results and follow the requirements of NCLB are eligible for new tools to help them meet the law's goals of getting every child to grade level by 2014.

One of the approaches States have requested is the use of growth-based accountability models. They show promise as fair, reliable and innovative methods to measure school and student improvement.

- Growth models give schools credit for student improvement over time by tracking individual student achievement year to year.
- The Department convened a group of experts and policymakers to examine and compare various models to determine how growth models could meet the goals of NCLB.
- A pilot program gives the Department the ability to rigorously evaluate growth models and their alignment with NCLB, and to share results with other states.

As part of this new pilot program, States may propose a growth-based accountability model for use in AYP purposes, as long as they meet certain principles. The Department will approve no more than 10 high-quality growth models in this pilot program for 2005-06. The models must:

1. Ensure that all students are proficient by 2014 and set annual goals to ensure that the achievement gap is closing for all groups of students;
2. Set expectations for annual achievement based upon meeting grade-level proficiency, not based on student background or school characteristics;
3. Hold schools accountable for student achievement in reading/language arts and mathematics;
4. Ensure that all students in tested grades are included in the assessment and accountability system, hold schools and districts accountable for the performance of each student subgroup, and include all schools and districts;
5. Include assessments in each of grades three through eight and high school in both reading/language arts and mathematics, must have been operational for more than one year, and must receive approval through the NCLB peer review process for the 2005-06 school year. The assessment system must also produce comparable results from grade to grade and year to year.
6. Track student progress as part of the State data system; and
7. Include student participation rates and student achievement on a separate academic indicator in the state accountability system.

The Department will rigorously monitor and evaluate States that receive approval under the pilot this year.

- Outside peer reviewers with technical expertise will evaluate proposals.
- States that receive approval must provide data to the Department on how the growth model works compared to the current AYP model. This information will be useful to the Department and policymakers and will help inform future actions.
- States that wish to apply and meet the core requirements should submit their proposals to the Department by February 17, 2006, to allow sufficient time for review.

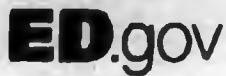
Some States do not have the assessment systems or data capabilities to use a growth model according to the principles above. But under *No Child Left Behind*, States currently have the flexibility to use an index model.

- For States that cannot track individual student progress, an index model provides an alternative that gives schools credit for moving students from "below basic" to "basic" even if they are not yet proficient. The end target of having students proficient in reading and math by 2014 still remains, however.
- Currently, nine states (Massachusetts, Minnesota, Mississippi, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, and Vermont) use index models to determine AYP.

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Last Modified: 11/22/2005



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Key Policy Letters Signed by the Education Secretary or Deputy Secretary

November 21, 2005

November 21, 2005

Dear Chief State School Officers:

Earlier this year in a speech at Mount Vernon, I announced that the Department would take a commonsense approach to implementing the *No Child Left Behind Act of 2001* (NCLB). This approach, crafted as an equation called *Raising Achievement: A New Path for No Child Left Behind*, established that, when States show results and follow the tenets of NCLB, they will be eligible for new tools to help them meet the law's goal of getting every child to grade level proficiency by 2013-14. As part of this approach, and in response to educators across the country, the Department has been exploring how accountability models that measure improvements in student achievement (i.e., "growth models") could be one such tool to help schools meet the requirements of NCLB.

This summer the Department convened groups of various experts, including researchers, stakeholders, and policy officials, to inform this work. We discussed a number of critical issues related to growth models that are worth highlighting here. First, we discussed the importance of accelerated student progress—the reality that not just any level of growth is enough to meet the bright line principles of NCLB. Substantial growth is needed to ensure all students are proficient by 2013-14 and to close achievement gaps. A proposed growth model that only expects "one year of progress for one year of instruction" will not suffice, as it would not be rigorous enough to close the achievement gap as the law requires. Second, we discussed the infrastructure required to implement a growth model. To implement this sophisticated approach, a State needs certain foundational elements in its standards and assessment system. NCLB has played a critical role in helping States build these elements. The annual assessments that form the basis of a growth model must work together as a coherent system—the achievement standards must be aligned with state content standards and must produce comparable results from grade to grade and year to year. These conversations were productive and have informed how we are moving forward.

These discussions confirmed our belief that growth models may show promise for measuring school accountability, giving schools credit for improvement over time, and measuring individual student progress. We also believe that this is the appropriate time to move forward with a pilot project on this issue, as the assessment and data infrastructure system of many States is more sophisticated now than when NCLB was first implemented. This pilot gives us an opportunity to build on the critical elements of NCLB, State resources, and the current AYP model.

Using this letter as a guide, I am inviting States to propose to the Department, a growth model to be used for NCLB accountability purposes as a part of this new pilot project. States that wish to use growth models as part of their NCLB accountability systems must demonstrate that these models can raise student achievement and enhance school accountability.

Our purpose in inviting these proposals is two-fold. First, the Department wants to evaluate how these growth models might help schools meet the NCLB proficiency goals and close the achievement gap. Second, this pilot project will provide the Department and other States useful information to improve the quality of data, assessment, and accountability systems. Consistent with the particular model a State is proposing, a State proposal must show how it meets a set of core principles, detailed below and in the enclosure, thus ensuring that its growth model aligns with NCLB and that its standards and assessment system contains necessary foundational elements.

Core Principles

1. The accountability model must ensure that all students are proficient by 2013-14 and set annual goals to ensure that the achievement gap is closing for all groups of students.
2. The accountability model must establish high expectations for low-achieving students, while not setting expectations for annual achievement based upon student demographic characteristics or school characteristics.
3. The accountability model must produce separate accountability decisions about student achievement in reading/language arts and in mathematics.
4. The accountability model must ensure that all students in the tested grades are included in the assessment and accountability system. Schools and districts must be held accountable for the performance of student subgroups. The accountability model, applied statewide, must include all schools and districts.
5. The State's NCLB assessment system, the basis for the accountability model, must include annual assessments in each of grades three through eight and high school in both reading/language arts and mathematics, must have been operational for more than one year, and must receive approval through the NCLB peer review process for the 2005-06 school year. The assessment system must also produce comparable results from grade to grade and year to year.
6. The accountability model and related State data system must track student progress.
7. The accountability model must include student participation rates in the State's assessment system and student

achievement on an additional academic indicator.

Further details on these core principles are included in the enclosure that follows. These details explain what we mean by each principle and also provide direction to States regarding the evidence needed to show how their proposal addresses these issues.

In addition to meeting these seven principles, we are interested in approving accountability models under this pilot project that are reasonable, based on common sense, and understandable to educators and the public. We know that States may meet each of these core principles through various means, given differences in their standards, assessments, data systems, and other foundational elements. We welcome that creativity and thoughtfulness, as no two models will likely be alike.

It is important to emphasize that the Department will only approve a proposed growth model that can meet each of the core principles. I understand that this is a high bar and that not every State's data or assessment infrastructure will currently meet these requirements. It is, however, an attainable bar, as we have seen examples of State systems that, for instance, measure individual student progress or have multiple years of annual assessment data. This task will immediately be easier for those States who have developed coherent data and annual assessment systems over the years. These pieces, when put together and combined with the goal of universal proficiency by 2014, can form a growth model that meets the core principles and achieves the requirements of NCLB. I also know that while the State growth models in use today have utility and value, to the best of our knowledge, none currently meets all of these core principles.

The attachment includes four parts. Part I describes the process by which States may submit growth model proposals to the Department. The deadline for submitting such proposals is February 17, 2006. The Department will review submitted proposals, a process that will include the use of outside peer reviewers, and may attach reasonable conditions of approval. In addition, we will consider how States are meeting the *Raising Achievement* principles (such as narrowing the achievement gap, and creating easily accessible and understandable school and district report cards) that I outlined at Mount Vernon. For those States that propose a model meeting the elements outlined in this letter, we are willing to enter into a flexibility agreement to permit them to develop and use a growth model to hold schools and districts accountable under NCLB.

Please note that States must receive approval from the Department, and make any required amendments to their accountability plans, before implementing their proposed growth models. States that receive approval from the Department to be a part of this pilot project would be able to apply the growth model to their accountability decisions for the 2005-06 school year.

Part II of the attachment covers the core principles of NCLB that must be preserved under any growth model proposal. Part III presents a set of key questions that States must answer to provide evidence that their growth models meet NCLB requirements and help the Department evaluate their proposals. The answers will be considered as a whole by the Department in reviewing each State's proposal.

In addition, we know that many States do not have the assessment systems or data capabilities to be able to meet the core principles outlined above and in the enclosure. Currently, nine states are using an index to calculate AYP. In those instances where implementing a growth model is not possible or desirable, a State may want to consider amending its accountability plan to incorporate an index, especially those States who may not have all the necessary elements at this time to implement a growth model. Part IV of the attachment outlines how States may use an index to calculate AYP.

The Department will rigorously evaluate this pilot, review information on how the pilot project is working, and share results with other States, policymakers, and the public. To that end, States receiving approval to implement a growth model will be expected to provide data showing how the model works compared to the current AYP model, and to analyze the effects of a growth-based accountability model on student achievement. The Department is interested in using the data generated by approved States to conduct an evaluation so that we can share information on the results of the pilot with Congress, State officials, educators, and the public. Outside of accountability plan amendments to adopt an index as a way of measuring AYP, I plan on approving no more than ten high-quality State proposals within the context of this pilot this year. The approval of a growth model applies to the accountability system during the 2005-06 school year and is subject to a review at the end of the school year.

Please do not hesitate to contact the Department with any additional questions or concerns. We look forward to working with interested States on these issues.

Sincerely,

/s/

Margaret Spellings

Enclosure

cc: Governors

Growth Model Pilot Proposals

I. Process:

- *What should the State include in its proposal?* States should submit applications seeking approval for the use of growth models as part of their No Child Left Behind (NCLB) accountability systems to Dr. Henry Johnson, Assistant Secretary of Elementary and Secondary Education. Applicants should clearly and concisely describe their proposals, with particular attention to how these proposals meet each of the requirements outlined below in sections II and III. A State should also include any relevant evidence. States submitting a proposal are encouraged to send it electronically to conreport@ed.gov.
- *When should a State submit its proposal?* A State that wishes to incorporate a growth model in calculating adequate yearly progress (AYP) for the 2005-06 school year should submit its proposal to the Department by February 17, 2006. This timeline is designed to provide sufficient time for the Department to review the proposal, and notify the State of its decision so that the State can apply it without delaying AYP determinations and school improvement identifications. A State that wants to submit other amendments to its accountability plan should do so by April 1, 2006, and follow the guidance released previously by the Department: <http://www.ed.gov/admins/lead/account/amproc.doc>
- *What is the approval process?* Upon receipt of a growth model proposal, the Department will review it and initiate discussions with the State. The Department will use a peer-review process to help evaluate the proposal. Similar to State accountability plan amendment requests, the Department will ask a State whose growth model is approved to submit electronically the final proposal as part of its amended accountability workbook with the date of submission and amended elements noted on the cover page.

Additionally, depending on the particular model a State is proposing, the Department may work with the State to enter into a flexibility agreement. In the flexibility agreement, the Department may require reasonable conditions on the State in exchange for the additional flexibility granted to permit the use of a growth model.

After the flexibility agreement has been finalized and the amended accountability workbook is received, the Department will notify the State that its proposal has been approved and will post this information on the Department's website so that it is readily accessible to the general public. Please note that a State should not implement its proposed growth model until these steps are completed.

II. Core principles:

Each State's proposal must include information and evidence to show how it meets the core principles outlined below.

1. The accountability model must ensure that all students are proficient by 2013-14 and set annual goals to ensure that the achievement gap is closing for all groups of students.
 - How does the model ensure that schools and districts are held accountable for getting all students to proficiency by 2014? A proposed growth model that only expects "one year of progress for one year of instruction" will not suffice, as it would not be rigorous enough to close the achievement gap by 2014.
 - How does the model set reasonable, challenging, and continuously improving annual expectations for growth? Growth models that rely on substantial increases in the growth rates of students or schools in the last few years are not acceptable, but the Department is open to models that set a point in time as the goal (e.g., end of grade in a particular school; within four years). In setting these standards, the State should demonstrate how accountability is distributed among all grades and not postponed to this point in time. The Department is concerned that if the State's growth model allows attainment of the proficiency standard by individual students to be delayed or is tied to standards that are not considerably more rigorous with each consecutive grade, then it becomes too easy to minimize or delay the importance of accelerated growth.
 - How does the proposal incorporate the growth model into measures of status and safe harbor? States receiving approval to implement a growth model will be expected to provide data showing how the model works compared to the current AYP model. As a possible condition for implementing a growth model, the State may need to explain how it plans to focus its school intervention efforts incorporating the results from a growth model. For instance, a State should be prepared to explain how a school that does not meet either traditional AYP goals or growth-based accountability goals might be subject to more rigorous intervention efforts than schools not making AYP on only one accountability measure.

2. The accountability model must establish high expectations for low-achieving students, while not setting expectations for annual achievement based upon student demographic characteristics or school characteristics.
 - How does the model ensure that student growth expectations are not set or moderated based on student demographics or school characteristics? The model must have the same proficiency expectations for all students while setting individual growth expectations for students to enable them to meet that grade level standard.
 - How does the model ensure that growth is measured relative to achievement standards and not "typical" growth patterns or previous improvement?
3. The accountability model must produce separate accountability decisions about student achievement in reading/language arts and in mathematics.
 - How does the model ensure that students are improving in their achievement in reading/language arts and mathematics? How does the model hold schools accountable for such achievement? The growth model proposal should include separate decisions for reading/language arts and mathematics, although we recognize that it is also important to design accountability systems that maintain validity and reliability, minimize measurement error, and support empirical integrity in the accountability system. How does the model achieve these specifications, especially in small schools or schools with high mobility?
 - Does the model include assessments for other content areas? If so, the state should demonstrate that achievement on those other assessments does not compensate for low achievement in reading/language arts and mathematics tests.
4. The accountability model must ensure that all students in the tested grades are included in the assessment and accountability system. Schools and districts must be held accountable for the performance of student subgroups. The accountability model, applied statewide, must include all schools and districts.
 - How does the model maximize inclusion of students, particularly in light of missing data problems or student mobility? Because of these concerns, and depending upon the proposed State model, the Department may expect States to continue calculating and using the "status" approach to AYP.
 - If appropriate, how does the State proposal address the needs of students displaced by Hurricanes Katrina and Rita? In particular, the Department will need details on how this proposal interacts with any State plans to develop a separate subgroup of displaced students, consistent with the Secretary's guidance of September 29, 2005. <http://www.ed.gov/policy/elsec/guid/secletter/050929.html>
 - How does the State measure growth of students who are in the first tested grade? How do these issues interact with the State's "full academic year" definition? How do the Department's policies about assessing limited English proficient students and students with disabilities affect missing data policies?
 - How does the model hold schools accountable for the achievement of all student groups?
 - How does the model ensure that all schools receive an AYP determination each year? The Department expects that States will implement the accountability model in a consistent fashion across the State. Subject to that requirement, the Department is open to States using one model for schools with consecutively tested grades (i.e., elementary/middle) and a different AYP model for schools without consecutively tested grades (i.e., high schools).
 - How does the model ensure that all schools and districts are accountable for student achievement, even when the number of tested students in the school or district is small or constantly changing?
5. The State's NCLB assessment system, the basis for the accountability model, must include annual assessments in each of grades three through eight and high school in both reading/language arts and mathematics, must have been operational for more than one year, and must receive approval through the NCLB peer-review process for the 2005-06 school year. The assessment system must also produce comparable results from grade to grade and year to year.
 - How does the State's assessment system support the use of a growth-based accountability model? Please provide evidence explaining how students will be assessed with tests that produce comparable results from

grade to grade and year to year, such as through vertical scales or vertically moderated achievement levels.

○ How does the State demonstrate that its assessment system is stable and produces reliable and valid data?

6. The accountability model and related State data system must track student progress.

○ How does the State demonstrate that its data system can track student growth over time, across schools, and across districts? The State should provide evidence on the capacity of its data system to implement a growth model.

○ How does the model use individual student growth (such as through an individual student identifier)?

7. The accountability model must include student participation rates in the State's assessment system and student achievement on an additional academic indicator.

○ How does the model ensure that students participate in the assessment system and that schools are held accountable for such participation? School and district accountability must continue to take participation into consideration. Calculation of participation rates must be based on all students enrolled in the grades tested during the testing window.

○ How does the model ensure that schools are accountable for performance in one other academic indicator besides reading/language arts and math? School and district accountability must take another academic indicator into consideration as is the case with current systems.

III. Questions to be answered by the State:

A State's proposal must also address the issues below. The Department will evaluate how these elements work together to create a coherent accountability system during the review process.

1. *Uniform averaging.* What role, if any, will the uniform averaging procedures have in a model that incorporates "growth" in the State's AYP definition?
2. *AYP formula issues.* What is the State's minimum group size? Does the State use confidence intervals? How will each of these continue in a State AYP definition that uses growth?
3. *Assessments.* What happens to the model when States use various assessments to assess the same content (e.g., a regular assessment, a native language assessment, or an alternate assessment aligned with grade-level achievement standards)? What happens under the model when, for instance, a student takes a reading assessment based on regular achievement standards in year one and a reading assessment based on alternate achievement standards in year two?
4. *Higher-achieving students.* Does the model assign schools any credit for higher achieving students of two types: 1) students who were previously low-achieving and are now above proficient, and 2) students who have always been high achieving.
5. *Reporting.* How will the State report data in a transparent, understandable manner to districts, schools, the community, and the Department?

IV. Indexes

Under NCLB, States currently have the flexibility to take into account the percentage of students who improve their achievement levels through the development of what is commonly referred to as an "index model."

An index model provides a way for States to recognize schools that improve achievement among students at the below proficient level(s), thus providing an alternative to the "status" model of AYP decision-making that emphasizes the percentage of students at or above the proficient level. An index model does this by assigning a value (determined by the State) to various levels of achievement, with the highest value assigned to students at the proficient/advanced level and progressively lower values for each level below that.

Although an index does not measure individual student growth, it gives schools and districts "credit" for improving the achievement of students who are "below proficient." For example, a school will receive some credit if it moves students from "below basic" to "basic" even if they are not yet proficient. The end target of having 100 percent of students proficient in reading and math by 2014 still remains, however.

The Department has allowed States to base AYP on an index score when the following conditions are met:

1. The index does not give extra weight to students scoring above proficiency so as to mask performance in the lower achievement levels;

2. The index can be calculated separately for reading and mathematics and for each relevant student subgroup;
3. The index does not allow schools to make AYP without also increasing the percentage of students who are proficient; and
4. The index must be consistent with NCLB and the regulations promulgated under it, including provisions on annual measurable objectives and intermediate goals.

Currently, nine States are using such index models in their AYP determinations under their approved accountability plans: Massachusetts, Minnesota, Mississippi, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, and Vermont.

For examples, more information about the Minnesota and Massachusetts index models can be found online at:
<http://education.state.mn.us/mde/static/2005%20Business%20Rules.doc>
<http://www.doe.mass.edu/sda/ayp/about.html?section=3>

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Last Modified: 11/22/2005

Raising Achievement of Students with Disabilities

December 2005

Educators and families know that the vast majority of students with disabilities can achieve to grade level standards. Thanks to the *No Child Left Behind Act*, signed into law by President Bush in 2002, for the first time the nation is making sure that they do. By assessing students annually and breaking down results by student groups, States are held accountable for continuous improvement toward the goal of having all students read and do math at grade level and closing the achievement gap by 2014.

Last April at Mt. Vernon, Secretary Margaret Spellings promised a new, common-sense approach to implementing *No Child Left Behind*, and committed to using the best and latest research to ensure students with disabilities are learning and taking meaningful tests. Today the U.S. Department of Education announced proposed regulations that would enable States to improve how they measure the achievement of students with disabilities.

- States may develop modified achievement standards and give assessments to qualified students based on those standards.
- States may include "proficient" scores from the modified assessments toward determining Adequate Yearly Progress [AYP] (capped at 2 percent of the total tested population at the district and State levels).
- In addition, States may continue to include the "proficient" scores of students with the most significant cognitive disabilities (capped at 1 percent of the total tested population at the district and State levels).
- For AYP purposes, States may include within the "students with disabilities" subgroup the test scores of students previously identified as having disabilities for up to 2 years after they no longer receive special education services.
- The proposed regulation gives States credit for doing good work to raise the achievement levels of students with disabilities.

The proposed regulations are designed to meet the needs of students with disabilities who may not reach grade level within the same time frame as their peers, but who can make significant strides given the right instruction. They also contain key criteria to protect students with disabilities from being inappropriately assessed against modified achievement standards.

- States must establish guidelines for Individualized Education Program [IEP] teams to determine which students are most appropriately assessed against modified achievement standards.
- Standards must continue to hold students to high expectations; modified standards must be aligned with grade-level curriculum.
- Students assessed under modified achievement standards must receive grade-level instruction in the relevant subjects.
- Modified achievement standards may not preclude a student from earning a regular high school diploma.

The Department invites State officials, local educators and the general public to offer their opinions.

- The draft regulations will be published in the Federal Register on Thursday, December 15. The deadline for submitting comments is 75 days after publication. An informal version is currently available on the Department of Education's website, www.ed.gov

Under the *No Child Left Behind Act*, the immediate needs and academic potential of students with disabilities have been made a national priority.

- Test scores must be disaggregated so parents and educators can follow their academic progress.
- The Department of Education is making available nearly \$14 million in technical assistance to assist States and conduct long-term research on the assessment of students with disabilities.
- A comprehensive Tool Kit for Students with Disabilities is being compiled for educators and school officials.

No Child Left Behind has removed the final barrier to full participation in the classroom, completing the effort begun 30 years ago with the passage of the *Individuals with Disabilities Education Act [IDEA]*.

- Under NCLB, students with disabilities have made gains in reading and math at every level (Nation's Report Card).
- Under NCLB, students with disabilities are receiving more classroom time and attention, and at-risk students are being helped at an earlier stage (Center on Education Policy).
- Students with disabilities enjoy lower dropout rates and higher rates of postsecondary enrollment and employment than students 25 years ago (U.S. Department of Education).

To Raise Achievement of Students with Disabilities, Greater Flexibility Available for States, Schools

Proposed Regulations to be Published in Federal Register

FOR RELEASE:

December 14, 2005

Contacts: Jim Bradshaw
(202) 401-2310

COLUMBIA, Md. -- U.S. Secretary of Education Margaret Spellings today announced proposed regulations to enhance the ability of schools and states to more effectively measure the achievement of America's students with disabilities.

With *No Child Left Behind*, parents, teachers, and the federal government committed to closing the achievement gap by 2014 for all children including students with disabilities. Ensuring that all students can read and do math on grade level remains a top priority.

Speaking to more than 100 policymakers and educators at Guilford Elementary School in Columbia, Md., Secretary Spellings said, "We're committed to using the best research to make sure students with disabilities are learning and taking tests that are meaningful to them."

The proposed rules to be published in Thursday's Federal Register are designed to meet the needs of students with disabilities who may not reach grade level within the same time frame as their peers, but who can make significant strides, given the right instruction.

Following is the prepared text of Secretary Spellings' remarks.

SECRETARY SPELLINGS: Thank you. You're lucky to have Nancy Grasmick as your superintendent in Maryland. She began her career in Baltimore as a teacher working with deaf students, and she's been a leader on special education issues in the policy arena as well. She's been a powerful voice for higher standards and accountability for results for all students.

Before I begin, let me say, tomorrow we'll have the chance to see history unfold before our eyes in Iraq. Millions of men and women—ordinary Iraqis—will show extraordinary courage as they take their place at polls all across the country. The people of Iraq will come together to defy terror and elect a parliamentary government. And they will be sending a powerful message of hope throughout the Middle East.

It's an honor to be here today at Guilford Elementary School with my deputy secretary, Ray Simon. I want to thank Principal Varlack for sharing her school with us today. I get asked all the time to point to places that are closing the achievement gap and proving we can leave no child behind. And this school is getting the job done for all students, including students with disabilities. The percentage of students here with disabilities meeting state standards in reading has increased by 17 points since just 2003. And the gap between all students and students with disabilities is shrinking in reading.

Just a few years ago, this school was falling short of standards. But you made improvements under *No Child Left Behind*. And today, you're a shining example for schools across the country. You're proving every child can learn with a quality education.

The key is setting high expectations for all students. And for parents like Catriona Johnson that makes all the difference. I met with Catriona and a group of other parents of students with disabilities earlier today. Catriona's son has autism, but his teachers here at Guilford saw his potential. And they worked with his mom to give him the support and instruction he needed.

As many of us know, it wasn't always like this for parents of students with disabilities. When I was in school—and it wasn't all that long ago—many states still had policies excluding students with disabilities from public schools. In 1970, schools in this country only educated one in five students with disabilities.

That all started to change when Congress passed the *Education for All Handicapped Children Act* in 1975. Last month, we celebrated the 30th anniversary of this law, which is now known as the *Individuals with Disabilities Education Act* or *IDEA*. It guarantees students with disabilities access to a free and appropriate public education. More than two decades after *Brown v. Board of Education* opened the schoolhouse to students of all races, this law opened our schools to students with disabilities.

As a result, there has been a dramatic increase in the number of students with disabilities graduating from high school and taking challenging courses. Today, virtually all these students take the full range of academic classes. That includes classes in English, math, social studies, science, and more. In fact, about one out of every five high school students with a disability is learning a foreign language.

We've come a long way in the last 30 years. But before *No Child Left Behind*, we still often underestimated what students with disabilities could learn. Many were victims of what President Bush calls the "soft bigotry of low expectations." We held them to lower standards, and we didn't hold ourselves accountable for their success.

Today, we know the vast majority of students with disabilities can achieve grade-level standards. And thanks to *No Child Left Behind*, we are holding ourselves accountable for making sure they do. For the first time ever, we as a nation have made a commitment to close the achievement gap by 2014 and ensure all students can read and do math on grade level.

That's why we're asking states to annually assess students and then break down the results by student groups so we can be sure all students, including students with disabilities, are getting ahead. For example, in the 2003-04 school year, about 95 percent of students with disabilities participated in state reading assessments.

As a result, we now have a laser-like focus on helping these students. Special education is no longer a peripheral issue. *IDEA* and *NCLB* have put the needs of students with disabilities front and center. We've torn down the final barrier between special and general education. And now every one in the system has a stake in ensuring students with disabilities achieve high standards.

At the same time, we know not all students learn the same way. And we want to give states the flexibility to design assessments that match the needs of their students. We're committed to using the best research to make sure students with disabilities are learning and taking tests that are meaningful to them.

As you know, *No Child Left Behind* already allows students with the most significant cognitive disabilities—about 1 percent of all students—to take alternate assessments. Further research suggests that an additional 2 percent of students should be assessed with modified standards. These are students who can achieve high standards but may not reach grade level in the same time frame as their peers, even with the best instruction.

Last spring, I announced the Department would work with states to help them establish more appropriate assessments for these students. And 31 states, including Maryland, Tennessee, and North Dakota, signed up to implement this policy for this school year.

Today, we are taking the next step forward by releasing proposed regulations on how states can implement this new policy long term. These regulations provide guidance on how states can identify these students and modify grade-level standards for them. We have published the proposed regulations in the Federal Register, and I want to invite you all to comment on them. We want your input.

I want to thank my assistant secretary for elementary and secondary education, Henry Johnson, and my assistant secretary for special education and rehabilitative services, John Hager, for being here today and for working together to develop this policy.

We're providing states with a technical assistance packet today on raising achievement for students with disabilities. It includes information on how *NCLB* and *IDEA* work together for students. And in the next few months, we'll also be releasing more material and information on teaching and assessing students with disabilities. At its heart, this policy is all about improving the way we educate and assess children with disabilities. It's a smarter, more sophisticated way of serving their needs.

Since taking office in January, I've been traveling around the country talking with parents, educators, and policymakers about how *No Child Left Behind* is working and what needs to work better. And wherever I go, I hear the same three questions: How can we do a better job assessing and serving students with disabilities? What's the best way to measure and enhance the progress of students new to the English language? And how can we reward schools for improving from year to year?

I promised to work with folks like you to address these issues in a sensible, workable way that makes raising student achievement our top priority. We're open to new ideas, just so long as we all stick to what I call the bright lines of the law—annually assessing students, disaggregating data, and closing the achievement gap by 2014. And we've taken some important steps forward together.

For example, last month, I announced a new pilot program where states can apply to use growth models to measure the progress students and schools make from year to year. And we've been working with the nation's top researchers to study the best way to educate and assess students new to the English language as well as students with disabilities.

With all these measures, our focus has been on helping students who in the past have been left behind. And states like Maryland, Massachusetts, Kansas, North Dakota, and Tennessee have been leading the way by shining the light on strategies that work for students with disabilities.

I want to thank Tennessee Commissioner of Education Lana Seivers for being here along with North Dakota special educator director Bob Rutten. They understand that ensuring students with disabilities learn is everybody's issue.

Last year, over 90 percent of districts in North Dakota made adequate yearly progress targets for students with disabilities. And in Tennessee, the percentage of elementary and middle school students with disabilities meeting state standards in reading increased by 15 points. These states have used the best research to ensure all students are included in the general curriculum and annual assessments. I like to say, "What gets measured gets done."

We're seeing the hard work pay off across the country. The latest nation's education report card shows students with disabilities are making gains at every level in both reading and math. And they're catching up to their peers, particularly in reading. As I like to say, "In God we trust—all others bring data." And with this data, we can see we're moving in the right direction. Scores are rising. And the achievement gap is closing. In other words, *No Child Left Behind* is working, and we must stick with it.

For folks like Lana Seivers, this isn't just a policy issue. It's a family issue. Her son has a disability. And for the last three decades, she's been fighting to raise standards for students with disabilities as a teacher, as an administrator, as a policymaker, and as a mom.

And thanks to *No Child Left Behind*, the conversation has finally shifted from "can these students learn" to "how can we make sure they learn." For the first time ever, we're demanding results. It's a national priority. And it's the right thing to do for parents and students across this country.

Thank you.

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