

U.S. DEPARTMENT OF EDUCATION

Testimony by

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before the

Commission on No Child Left Behind

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Secretary Thompson and Governor Barnes, good morning and thank you for this opportunity to meet with you and the other members of the Commission to talk about the progress we have made under the No Child Left Behind Act (NCLB) and some of our ideas for strengthening the law during the upcoming Congressional reauthorization. Let me begin by saying that we appreciate the work the Commission is doing to gather information and opinion on where No Child Left Behind is working and where it is falling short. Secretary Spellings and I believe the law has been a tremendous success in bringing long-needed change and improvement to our education system, but that doesn't mean it can't be improved. We have begun our own process of considering possible changes and improvements, and we look forward to considering the Commission's findings in our deliberations.

NO CHILD LEFT BEHIND IS WORKING

I believe No Child Left Behind has had a truly extraordinary and positive impact on our schools over the past five years. Amidst the doubts and criticism, States and school districts and schools have largely put in place the essential principles and core requirements of the law. They have developed standards in reading and math and are implementing assessments for all students

in grades 3-8. They have developed plans to ensure that all students are proficient in those subjects by 2014, with annual targets that schools must meet not just for all students, but also for key subgroups that, before No Child Left Behind, were too often ignored by our education system. They are using assessment results to identify schools that are not making enough progress—that are not meeting the educational needs of all of their students—and they are developing and implementing improvement plans to ensure that those needs are met. They are working to ensure that all teachers are highly qualified, with a new emphasis on putting highly qualified teachers in our highest-poverty schools. And they are providing new educational options to students in those schools, such as the possibility of transferring to a better-performing public school, or obtaining tutoring or other assistance from a public or private provider, at no cost to parents.

Few States and districts have implemented these structural changes completely, but we have strong evidence from our own monitoring, as well as from the National Assessment of Title I Interim Report that was released earlier this year, that most have made a good-faith effort that is having a real impact where it counts, on student achievement.

The first evidence of this progress came from the National Assessment of Educational Progress (NAEP), which found that reading scores for 9-year-olds increased more over the last five years than in all the years between 1971 and 1999 combined. Because NCLB is focused in large part on reducing achievement gaps between minority and non-minority students, we were especially pleased that African-American and Hispanic students posted some of the biggest gains

on the NAEP. For example, Hispanic 9-year-olds saw their scores rise by 17 points over the last five years.

More importantly, in the context of No Child Left Behind, we also are seeing real progress in State assessment results. I know the story differs from State to State, with some States reporting significant gains each year and others producing more mixed results, but overall we are moving in the right direction. For example, nationwide survey data collected by the Center on Education Policy for its Year 4 report on NCLB, *From the Capital to the Classroom*, showed that between the 2003-04 school year and the 2004-05 school year, student achievement on State tests improved in more than three-quarters of school districts and in 35 States. Similarly, an *Education Week* report on changes in the percentage of students scoring at the proficient level or better between the 2002-03 and 2004-05 school years found that 80 percent of States showed improvement in both reading and math achievement.

This kind of progress is a tribute to the hard work and dedication of students, teachers, principals, and administrators across the Nation. I would add that it is a tribute to the many supporters of NCLB, in Congress and across the country, who not only believed, but insisted, that poor and minority students could reach the same challenging academic standards as other students. Our challenge now, as we look forward to reauthorizing No Child Left Behind, is to maintain and even strengthen this positive momentum.

NEW FLEXIBILITY

Before turning to some of the themes that we hope will guide the reauthorization process, I want to touch briefly on the challenges we have faced in implementing the law. As the members of this Commission know, and no doubt have heard over the past few months, NCLB implementation has not been an easy task. Many States already had their own assessment and accountability systems, which typically met some but not all NCLB requirements, and the challenge was to provide as much flexibility as possible while remaining true to the core principles of No Child Left Behind. I believe Secretary Spellings deserves great credit for making the implementation of the law in a flexible, commonsense fashion the touchstone of her administration. She has rigorously adhered to what she calls the “bright-line” principles of the law—annual assessments, disaggregated reporting of assessment results, and closing the achievement gaps by ensuring that all students are proficient in reading and math by 2014—while working to give flexibility to States and school districts that share those principles.

Most of you are familiar with the major examples of flexibility that we have offered over the past few years. They include the use of alternative assessments for students with the most severe cognitive disabilities (the 1% rule), permitting States to adopt modified achievement standards to measure achievement for other students with disabilities who may not reach grade-level standards in the same time frame as their peers (the 2% rule); the expansion of adequate yearly progress (AYP) for limited English proficient (LEP) students to include students who have achieved proficiency, so that schools receive credit for their efforts with LEP students; allowing qualified States to pilot the use of growth models as part of their AYP definitions;

permitting school districts to “flip” the order of public school choice and supplemental educational services (SES) options; and permitting districts that have been identified for improvement to continue serving as an SES provider if they meet certain conditions designed to expand overall SES participation rates.

More recently, Secretary Spellings also has worked with States to provide greater flexibility in meeting the highly qualified teacher (HQT) requirements of NCLB. This has included extending the deadline for ensuring that all teachers are highly qualified for States that are making good-faith efforts to reach that goal.

LOOKING AHEAD

The starting point for our deliberations about the future of No Child Left Behind should be the simple but powerful recognition that the law is working. Congress passed a law based on strong accountability, more choices for families, flexibility, and research on what works. Congress also provided significant new resources to carry out the law: funding for No Child Left Behind programs has grown by nearly \$6 billion since the law was passed. We have worked with our State and local partners to implement the law flexibly and effectively, and we are beginning to see good results. There have been a few complaints, but as Secretary Spellings often says, no parent thinks it is too much to ask for his or her child to be learning at grade level. And no taxpayer thinks it is too much to ask schools to show us how students are performing.

With the strong success of NCLB as the backdrop, we in the Department and in the Administration are in the early stages of developing a reauthorization proposal. While we are not ready to provide specific or detailed proposals, we have identified several themes that are guiding our discussions, none of which will likely come as a surprise to the Commission.

First, we want to protect the core accountability provisions and principles of No Child Left Behind. Our view is that the inclusion of assessment of all students, strong subgroup accountability, and 100-percent proficiency by 2014 in State accountability systems is a huge advance that must be preserved, and even strengthened, in any reauthorization.

Second, we want to extend the impact of No Child Left Behind accountability in the Nation's high schools. Again, there is no surprise here, since each of the President's past two budgets has included high school reform proposals based on expanded assessment and the use of research-based practices to improve instruction. We simply cannot afford to ignore the more than 1 million students who currently drop out of high school each year, and the millions more who graduate without the skills needed to obtain good jobs or pursue postsecondary education. The extension of NCLB to the high school level will help States and school districts to measure the performance of their high schools, while helping high schools themselves to identify instructional strengths and weaknesses and to target resources and attention to those students with the greatest need for assistance. One approach we are considering is increasing the role of the Title I program in our high-poverty high schools. The early success of NCLB has tended to be focused in the early grades, where Title I funds are most often targeted by school districts.

Strengthening the impact of Title I at the high school level could bring similar results in the upper grades, where NAEP scores have shown virtually no improvement over the past 30 years.

Third, we want to make good on the NCLB promise of greater choice in education. School improvement takes time, and many students in chronically low-performing schools cannot afford to wait for a high-quality educational opportunity. Yet relatively few students have been able to take full advantage of existing public school choice and SES options, with reasons ranging from poor implementation by States and school districts to limited capacity on the part of districts and SES providers. Secretary Spellings already has started to work on the enforcement side by reminding States of their role in ensuring that LEAs make a good-faith effort to comply with public school choice and SES requirements. As part of reauthorization, we are seeking approaches to help States and school districts to build the capacity needed to provide meaningful choice options to all eligible students.

Fourth, we want to strengthen the school improvement provisions of the law. This is another area where we already have started work; with the \$200 million School Improvement Grants proposal in the President's 2007 Budget that would help ensure States have the resources they need to build comprehensive, effective statewide systems of support for district and school improvement. Another concern going forward is the growing demand for effective restructuring plans, as well as for leaders capable of developing and implementing those plans. We believe the number of schools in restructuring may rise significantly in the next few years, particularly in the highest-poverty schools, and we want to ensure that there is State and local capacity to effectively restructure schools.

Finally, we will be considering ways to strengthen the AYP provisions of No Child Left Behind. These might include the full-scale incorporation of growth models into AYP definitions; the addition of new subjects, such as science, into AYP calculations; and the use of additional outcome indicators to measure AYP at the high school level.

As I said, we are still in the early stages of developing our ideas for reauthorization, and these themes are restricted to the Title I, Part A program. Our full proposal will reflect a continued commitment to the core principles of NCLB, and will include ideas and improvements, as well as technical fixes, to the full range of programs authorized by the Elementary and Secondary Education Act. In the meantime, however, the five themes I have outlined will give you some idea of the direction we will be moving in key areas of the law.

CONCLUSION

In conclusion, I hope that as the Commission develops its findings and recommendations, it will give as much weight to the success of No Child Left Behind as to the perceived need for changes in the law. The Nation has made a giant step forward in education through the implementation of No Child Left Behind, and this Commission can do much to help keep us moving in the right direction.

Thank you, and I will be happy to answer any questions.