



**OFFICE OF THE GOVERNOR
CHICAGO, ILLINOIS 60601**

**ROD R. BLAGOJEVICH
GOVERNOR**

September 8, 2006

Margaret Spellings, Secretary of Education
United States Department of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Spellings:

I read your recent comments that, in your opinion, No Child Left Behind (NCLB) is a nearly perfect law and should be reauthorized by Congress without any changes. While I share the goals and intentions of No Child Left Behind, for those of us who have to live with, implement and enforce the law, to say that it is nearly perfect is simply not accurate.

Illinois is committed to holding our schools accountable. In fact, Illinois had an accountability system in place prior to NCLB, and has led the nation with Supplemental Education Services (SES) provider monitoring and oversight to maintain a high degree of accountability and help local districts implement this NCLB requirement. However, changes are needed to ensure that accountability under NCLB is both effective and provides an accurate representation of student performance.

As Governor, there are several areas I am working with the Illinois State Board of Education to address. These are the areas we would also ask be considered as the 2007 reauthorization process nears:

(1) Providing Flexibility for State Implementation of NCLB Goals

We welcome the new flexibility with NCLB implementation that the United States Department of Education (USDOE) has put in place over the past year under your leadership. This year, Illinois gained USDOE approval for a number of changes to the Illinois Accountability Workbook. We applaud the USDOE Growth Model Pilot

Program and have convened a Growth Model Task Force to examine the models proposed by other states to give a clearer, fairer picture of individual student progress.

Overall, the level of detail NCLB imposes on states is counter-productive and reauthorization should include more flexibility for states. For example, urban and rural schools vary greatly in student composition and needs and should be treated as such in assessing student progress. The current NCLB rigidity intrudes on state processes and stifles innovations and reforms at both the state and the local level.

NCLB reauthorization should embrace accountability plans that meet the spirit and broad goals of NCLB while allowing flexibility for differences among school districts, prior achievement levels, or the unique learning needs of individual students.

(2) Measuring Student Progress and School Achievement through Adequate Yearly Progress

As we look at the changes needed in a reauthorization of NCLB, Growth Model implementation is a top priority across all states as it could provide both state and local education agencies with a clear picture of student progress.

The current one-size-fits-all accountability system must be replaced to reflect student progress more accurately and fairly. The current accountability system offers little information about how much students are actually learning each year. In fact, a project conducted by the Manhattan Institute for Policy Research showed that the gains in reading performance made by students in schools that made Adequate Yearly Progress (AYP) are almost equal to gains made by students in schools not making AYP. That means that schools with large numbers of disadvantaged students can be labeled as failing for not meeting statewide proficiency targets, even if their students are making dramatic progress. A growth model paints a more accurate picture by recognizing and rewarding gains against a school's prior year performance.

Illinois has a number of concerns with the way AYP is currently measured. AYP is now determined by comparing successive groups of students against a static standard instead of focusing on growth and progress by measuring the performance of an individual student or group of students over time. In its current form, NCLB penalizes Illinois for having had an accountability system in place prior to the Federal program. Because Illinois had a pre-existing accountability system, our schools didn't start with a clean slate under NCLB. This creates an inaccurate, unfair report of how Illinois schools are performing compared with schools in other states.

Given the problems with determining AYP, and in an effort to avoid schools being labeled as failures, states will be forced to direct resources otherwise focused on meeting the needs of struggling districts statewide in order to meet NCLB sanctions alone. Reauthorizing NCLB presents the opportunity to redefine AYP so that successful schools are not inappropriately placed under sanctions, taking resources from schools that are truly struggling.

(3) Addressing Student Needs Under NCLB

NCLB can do a better job assessing special needs students. Studies conducted by the National Center for Learning Disabilities, The Advocacy Institute and others have shown that high-stakes testing cannot accurately address special needs assessments of students with disabilities. This does not mean that schools should not be held accountable for demonstrating progress in special needs students. Rather, a more sensible method should be used.

At its very core, NCLB contradicts the basic thinking behind the Individuals with Disabilities Education Act (IDEA). IDEA accepts the fact that individual students progress at different rates, while NCLB requires all students to progress at similar rates. IDEA provides for individualized instruction and assessment based on ability, while NCLB requires assessment based on student age. Under IDEA, each student's Individualized Education Program (IEP) team defines each student's progress, while under NCLB, test scores measure the progress that student has made.

As you are aware, the National Conference of State Legislatures Task Force concluded that IDEA should be the prevailing Federal law regarding students with disabilities. We hope that in NCLB's reauthorization, the glaring contradictions between NCLB and IDEA will be addressed.

NCLB also falls short in measuring the progress limited English proficient (LEP) students make, because it fails to consider the impact of language on LEP student assessments. Because of the complicating factor of test language comprehension, students are unable to demonstrate their content knowledge. In Illinois and in other states the LEP population is rapidly growing, and under NCLB, schools with large numbers of LEP students are more likely to be labeled as failing, when their students are actually making great progress.

(4) Assisting Struggling Schools

NCLB reauthorization must provide more assistance to struggling schools. Since NCLB was enacted, *no* federal funds have been provided for the School Improvement grants program authorized under Title I. While four percent of each state's Title I allocation is set aside for school improvement grants, NCLB prohibits a state from reducing a school district's Title I allocation to fund this set-aside.

As a result, school improvement becomes even more difficult. States alone have limited funds available for school improvement and many districts already face a reduction in the allocations they receive under Title I. Under reauthorization, NCLB should address ways to both assist and fund struggling schools striving to improve.

(5) Supporting Highly Qualified Educators

The Highly Qualified Teacher provisions of NCLB require additional clarification and technical assistance. NCLB should allow an assessment or High Objective Uniform State Standard of Evaluation (HOUSSE) to determine that teachers have the content knowledge necessary to reach students, and in particular, teach various subjects to special education students. Illinois is committed to the goal of making sure all students have access to highly qualified teachers, and we are currently working on a plan to meet that goal.

The goals and intentions of NCLB are admirable, and much good can come of it. In its current form, NCLB is far from perfect, but with the proper changes, it can do a much better job serving schools and students.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Rod Blagojevich". The signature is written in a cursive, flowing style.

Rod R. Blagojevich
Governor