

February 7, 2007

Dear Chief State School Officer:

I want to take this opportunity to update you on several recent developments related to the implementation of the assessment and accountability requirements of Title I. Our primary goal continues to be for all students to reach grade-level standards by 2013–14. I emphatically support the cornerstones of the *No Child Left Behind Act of 2001* (NCLB): all students must be held to challenging academic content and achievement standards; their progress must be measured annually by high-quality assessments aligned with those high standards; and schools and school districts must be held accountable for achieving results.

One key step in achieving these goals is for each State to have a fully approved assessment system that meets the requirements of NCLB. Annually assessing all students is essential for tracking progress toward proficiency in reading and mathematics and for determining areas where improvements in instruction and achievement may be needed. Currently, 18 State assessment systems are *Fully Approved*. Two State assessment systems are in *Approval Expected* status, which means that the evidence submitted to date suggests that these systems are fully compliant but a few final technical pieces must be peer reviewed. I applaud these States for meeting the requirements of NCLB and appreciate the hard work required to do so. The remaining States have an assessment system that is in *Approval Pending* status. I remind you that all States must administer a fully approved assessment system this school year or risk substantial consequences. The Department remains available to provide technical assistance, however necessary, to help States meet this deadline.

A second important step to meeting the goals of NCLB is school and district accountability. As you know, in November 2005, I announced a pilot program for up to ten States to use a longitudinal student growth model in their accountability systems. The goal of this pilot is to determine whether measures of individual student growth across grades can provide another measure of school accountability. To date, I have approved North Carolina, Tennessee, Delaware, and Arkansas to include their growth model in determinations of adequate yearly progress (AYP). In addition, Florida's model is approved provided its standards and assessment system receives full approval by the end of the 2006–07 school year. Currently, we are reviewing growth model proposals from an additional ten States to determine whether they meet the requirements we have established for inclusion in the pilot. Proposals that meet these principles will be forwarded to a group of peers that includes both members from the original panel as well as a number of new members. The peers will meet in March to review each proposal based on the Peer Review Guidance (<http://www.ed.gov/policy/elsec/guid/growthmodelguidance.doc>) issued by the Department. I am pleased to announce that Dr. Anthony Bryk from Stanford University will chair this review panel. The other peer reviewers, who represent academia, private organizations, and State and local educational agencies, are listed in Enclosure A.

I also would like to take a moment to update you on the December 2005 notice of proposed rulemaking that would permit States to develop modified academic achievement standards for a limited group of students with disabilities who may not be able to reach grade-level academic achievement standards within the same

timeframe as other students. We expect, very shortly, to issue the final regulations on this issue. During the drafting of the proposed rule and while it was out for public comment, eligible States that expressed interest in developing modified academic achievement standards were able to take advantage of interim flexibility. For the 2004–05 school year, 31 States were permitted to exercise additional flexibility in determining AYP for the students with disabilities subgroup (based on assessments given during that school year). For the 2005–06 school year, 28 States were permitted to exercise this flexibility.

Today, I am announcing that I am extending this flexibility for the 2006–07 school year to eligible States. To qualify for this flexibility in 2006–07, a State must assess all students and meet other specific core requirements of NCLB related to students with disabilities (see www.ed.gov/policy/elsec/guid/raising/disab-acctplan.html for those requirements and [Enclosure B](#) for a description of the flexibility options). Please also note that we will take into account the approval status of a State's standards and assessment system when determining whether a State is eligible for this flexibility. Any State interested in this interim flexibility, including those previously approved, must submit an amendment to its accountability plan providing recent data in support of its request.

A State that desires to take advantage of the interim flexibility or request other amendments to its Accountability Workbook must submit to the Department a written request, including the rationale for the amendment and any evidence relevant to the effect the amendment may have on the State's accountability system. States should submit proposed amendments that apply to AYP determinations based on data from the 2006–07 school year as soon as possible, but no later than February 15, 2007. This timeline is designed to provide sufficient time for the Department to review and approve the amendments and to notify the State of such approval so that the State can apply the amendments without delaying AYP determinations and school improvement identifications. I would like to emphasize that the State must receive approval for its amendments from the Department and incorporate them into its Consolidated State Application Accountability Workbook *prior to implementing any revisions to its accountability plan*. In an effort to improve the transparency of the accountability workbook amendment process, this year the Department will provide formal feedback on all amendment requests, including those we cannot approve.

Thank you for your continued hard work to make the goals of NCLB a reality. We are beginning to see real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in each State.

Sincerely,

/s/

Margaret Spellings

[Enclosure A](#)

[Enclosure B](#)