



# Illinois State Board of Education

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Christopher A. Koch, Ed.D.  
State Superintendent of Education (Interim)

March 16, 2007

The Honorable Raymond Simon  
Deputy Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-6100

Dear Deputy Secretary Simon:

Thank you again for considering flexibility for Illinois in light of our late assessment scores. As you know, the delay in the Illinois State Board of Education's communication of AYP status chiefly has been the result of deliverable dates missed by Harcourt Assessment Inc., the entity with which ISBE had contracted to develop and administer both the Illinois Standard Achievement Test (ISAT) and the Prairie State Achievement Examination (PSAE).

Our Agency is seeking the following flexibility:

- 1) Illinois hopes not to receive fines from the USDE; and,
- 2) Permission for what we currently estimate to be 9 districts and 21 schools in their first year of Improvement Status to offer Supplemental Educational Services (as opposed to School Choice) through the beginning of the 2007-08 school year.

Given that most of these districts currently have funds available to offer tutoring, we do not anticipate problems with them doing so. Moreover, we would request that those districts immediately inform parents of the situation so that parents have the opportunity to consider their options now and over the summer.

You mentioned during our call that, for purposes of assessing the possibility of any flexibility, you wanted to again review the steps that ISBE has taken to hold its contractor accountable for these delays. The following information hopefully will satisfy that request and has been updated from the January 18<sup>th</sup> letter:

- At its May 2006 Board meeting, after it had endured numerous problems with the administration of the Spring 2006 assessment, ISBE authorized the State Superintendent to negotiate and develop a revised contractual framework for the ISAT and PSAE that would provide for (a) Harcourt Assessment's continuation of ISAT test development; (b) transfer of ISAT processing and production to a new contractor in a manner that ensures the schedule of the 2007 assessment; (c) transfer of PSAE responsibilities to ACT, to the

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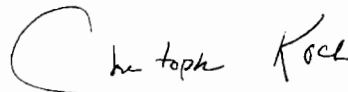
extent deemed feasible by ISBE and ACT; and (d) Harcourt's assumption of responsibility for damages resulting from its failure to perform. ISBE made the decision to continue using Harcourt as its ISAT test development contractor because of consistently positive feedback from the field in Illinois regarding the substance of the ISAT.

- Subsequently, at an October 4, 2006 Special Meeting, ISBE adopted a motion to amend Harcourt's contract to reflect a substantial reduction in services and costs.
- ISBE entered into an amended contract with Harcourt whereby, after the application of liquidated damages and other credits, the cost for FY 2007 has been reduced from \$13,469,605 to \$3,663,218 (or only 27% of the original contract) and the cost for FY 2008 has been reduced from \$12,685,391 to \$3,746,243 (or only 30% of the original contract). As stated above, Harcourt will continue to provide ISAT test development services, and will do so through September 30, 2009 (with the possibility of renewal for five additional one-year periods).
- Notably, so as to best avoid circumstances such as those encountered during the 2006 assessment cycle, ISBE has also entered into a contract with an "oversight contractor" that will proactively monitor the progress of all ISBE assessment contractors in meeting their respective deliverables and other responsibilities.
- Since our execution of the amended contract, we have sent letters to Harcourt following any missed deliverable date preserving our contractual right to collect liquidated damages.

Additionally, ISBE will improve efforts to broaden constituencies to engage and assist with these issues. I have met with business leaders and, while they have raised concerns about positions at ISBE, I have assured them ISBE will work with all parties on assessment and teacher quality issues. The business leaders have offered their assistance in a number of issues. I have assured them they will be fully engaged as we move forward.

While we are confident about the mechanisms we now have put in place for the 2007 assessment cycle and beyond, any flexibility that USDE can provide so as to mitigate the burden on these entities would be much appreciated. I will continue to communicate with your office to provide you with appropriate updates. In the interim, please let me know if you would like any additional information. Thank you again for your consideration of my request.

Sincerely,

A handwritten signature in black ink that reads "Christopher Koch". The signature is written in a cursive style with a large initial "C".

Christopher A. Koch, Ed.D.  
State Superintendent of Education (Interim)