**Agenda Topic:** State Legislative Issues Regarding *HR 1*, the *No Child Left Behind Act of 2001*

**Staff Contact(s):** Peter Leonis
Randy Burge
Carmen Pfeiffer

**Purpose of Agenda Item**

- To transition from an overview of *HR 1* to an understanding of specific action needed in 2002 for a state legislative agenda

**Expected Outcome(s) of Agenda Item**

State Board members will understand *HR 1*, and be able to discuss and plan with the State Superintendent for state legislative changes necessary for agency implementation of the federal law.

**Background Information**

At the last meeting we discussed the following Illinois implementation needs:

- Add to the state assessment system state tests in reading and math in three grades;
- Participate in the NAEP assessments in grades 4 and 8, in reading and math;
- Provide report cards at the school and district level with all of the data elements required;
- Establish a state starting point on defining student proficiency, and defining annual measurable objectives in equal increments to determine adequate yearly progress (AYP) over the next 12 years;
- Implement a statewide accountability system regarding the AYP on all schools and all students;
- Work in terms of schools needing improvement and work with districts and schools in terms of schools in those status over the years, aligning with our school designation system and the requirements of *HR 1*.
- Prepare a state policy on School Choice for Safety;
- Prepare various in-state competitive applications for LEAs, e.g., Reading First, 21st Century;
- Prepare various state plans/applications for USDE for flow of funds; and
- Consider applying for various federal competitive funds when available.

As discussed in January, a work group has been formed and is discussing *HR 1* implementation issues on a regular basis. Staff continue to gain information and have questions answered regarding *HR 1* as they attend national presentations and review recent papers from USDE and other sources.
Also as discussed in January, a communications strategy is being developed. Wade Nelson will be available to discuss the strategy. Meanwhile, the agency web site continues to carry links to HR 1 and current information. Presentations have been or will be made upon request, e.g., IASA Liaison Committee, Committee of Practitioners, ROE conference, etc.

Staff have completed a gap analysis of HR 1, acknowledging that much has been completed in Illinois but many tasks remain to be done. A summary of remaining requirements follows this paper.

There are areas of concern and needed action, but not necessarily legislative changes within the state, for example on highly qualified personnel. More information is required in this area before any changes are recommended. These items, and others related to teacher quality, continue to be under study. Depending on answers, some changes may be needed. The paraprofessional language seems to relate to only those individuals employed with use of Title I funds and providing instructional reinforcement. Current Illinois standards for teacher aides are all done by rules under authority granted in Sec. 10-22.34(b) of the Code, so no legislation will be needed to deal with this provision.

The Board is now asked to focus on upcoming state legislative changes. The Board should also be aware that while some areas need to be changed, they don't necessarily have to be changed immediately.

**State Assessment System**

Federal law requires a test for all students in Grades 3-8 in reading/language arts and mathematics in 2005-06. For Illinois, this would mean adding tests in reading and mathematics in grades 4, 6 and 7. The law needs to be changed to require such testing in 2006, and to modify the 25 hour limit on state assessment as well by that date.

Federal law requires testing in science as of 2007-08 in three grade ranges. Illinois currently tests in the appropriate grade ranges. We can continue on with our current pattern and be in compliance with the law. The PSAE would be in compliance with the law in terms of reading, mathematics and science, and the appropriate grade level, and would not need to be modified to meet the federal law.

Illinois is required, beginning in the 2002-2003 school year, to participate in the National Assessment of Educational Progress (NAEP) that offers biennial state academic assessments of 4th and 8th grade reading and mathematics. The state and local districts are obliged to test, if the district is selected in the sample, although families/students may opt out of the testing (story in Education Week, February 6, 2002). Funding is available at the federal level this year so the requirement would be in place at this time. USDOE selects the schools to participate in the NAEP tests, and it is up to ISBE to secure the voluntary participation of the selected school districts (has been 70% of the schools on the NAEP-selected list of districts/schools).

Currently, ISBE has had to plead with schools to participate. Many times the district superintendent or someone in a central office capacity has said that it is OK, only to have a “site-based” management decision at the principal level negate the participation. Some
school and district personnel have asked if it is required and, when told “no,” respond that that they cannot convince staff on the merits of doing so without outside authority.

Focused discussion:

- The 1994 law stated, and HR 1 reiterates in part, that all standards should be assessed. Does ISBE advocate continuing on with the social science testing requirement currently in place? We've spent the funds on development and students have been taking the test to assess the extent of meeting the standards. While social science testing per se may not be formally required, staff recommends continuing on with the current process so that we can have a trend line of data on students statewide meeting the standards, and so that ISBE is not viewed as changing mid-stream.

- Illinois law, not federal, requires special studies in fine arts and physical development/health, and that is in place. This assessment is consistent with the standards-led system and addressing all areas of the Illinois Learning Standards, and should continue on. Staff recommends not changing mid-stream on this issue as well.

- The federal law speaks to reading/language arts. The Illinois Learning Standards define language arts to include reading, writing, listening and speaking. Staff would propose expanding reading assessment to grades 4, 6, and 7, yet maintaining the writing assessment as is the current situation at grades 3, 5 and 8. To expand writing to all of the grades that reading will be tested in will be a costly and time-consuming proposition.

- How can we encourage school district participation in the NAEP since there is concern about the administration of yet another test? Should we consider a change in state law to compel such participation?

In summary, it is recommended that the law be changed now regarding NAEP, and that either now or later the law be changed regarding the ISAT in grades 4, 6 and 7 in reading and mathematics.

Report Card

While Illinois has a number of data elements in place for the report card, additional ones are required and currently not collected at a school level by the state.

Focused discussion:

- Given the fact that the federal law requires the report card be displayed on the web sites of local districts, and the School Code currently requires that these reports are provided in hard copy for all parents, should we seek to change the law for only the former and eliminate the latter? Staff recommend this, acknowledging that there is limited access in some communities to the Internet and to computers (although of course public libraries offer availability and most newspapers print the results for all to see), given that the new reporting requirements will increase the present school report cards from about 13 pages to about 24 for all students in Illinois.

- Should we seek to change state the law to allow the collection of data, e.g., on teacher quality, which would then be displayed on the report cards? We now have information on teachers including ethnicity, gender and average teaching experience, plus degrees, but the report card does not include, as required, the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes in the state not taught by highly qualified teachers in the aggregate and disaggregated by high-poverty compared to low-poverty schools. We will have to provide a two-year trend in student
achievement in each subject area and for each grade level for each assessment; currently we show three-year trend data for reading, math and writing but this data reflects all the grades tested so it is an overall trend. Staff recommends that this data be collected but not that the law be changed at this time to do so.

In summary, it is recommended that the law be changed regarding the process of reporting the report cards (web site) rather than paper copies to individual students/families except upon request.

**Bilingual**
There are a couple of bilingual education issues in **HR 1** addressing English Language Learners which remain unaddressed.

Illinois currently has a parental notification process. However, the new federal law is much more extensive in the required components of the notification provisions than is the case in Illinois. Section 3302 of HR 1 will require modifying Section 14C-4 of the School Code (105 ILCS 5/14C-4) and then the regulations. Section 3302 requires additional notification to the parents of children enrolled in transitional bilingual program concerning: the reasons that the student is being place in bilingual education; the student’s level of English language proficiency; the instructional methods the bilingual program will use, including a description of how the program will differ from a regular education program; how the program will address the student strengths and weaknesses; and how the program will aid the student to learn English.

Additionally, the new Title III of **HR 1** addresses the need to track student performance for individuals who are English Language Learners. While we now have in place bilingual program student identifiers (which are not used for IMAGE tracking purposes), we do not have a means of tracking performance by those students into ISAT or PSAE at this time. This is also part of an issue bigger than English Language Learners, and needs to be discussed at length in terms of implementation strategy and financial resources. At this time, staff recommends no legislative change for only these learners.

Staff has also been working with the Bilingual Education Advisory Council on how to use IMAGE performance for accountability purposes. There are recommendations on the table, which will need examination for consistency with **HR 1**, and may possibly require legislative changes in order to implement at a later date.

In summary, it is recommended that the law be changed regarding the bilingual program parental notification language, adding to Illinois' current notices.

**Data Needs**
There are many needs that remain unanswered, based on current data. One example is that ISBE may need to seek legislation regarding the reporting of information on incidents of violence and drug-related offenses, and curricula, programs, and services provided by the Governor, ISBE, LEAs, and other recipients of funding. Staff collect district-level data but not school-level data, for many of the items. We need answers from USDE, before we can proceed, on such questions as is collection by district and disaggregation by school sufficient? Is there some established uniform way to measure "seriousness?" Should there be a single, uniform, management information reporting system in place across state agencies
(to eliminate duplication among ISBE, the Governor’s Office, health, child welfare, law enforcement and other departments)? Staff suggests we await answers from USDE before any legislative change is sought regarding additional data or data systems.

**Next Steps**
Staff are currently revising SB 667 on state assessment issues. Either additional bills need to be introduced or this bill become a vehicle for additional areas of change.

The State Superintendent recommends proceeding with state statutory changes for state assessment including NAEP, report cards, and bilingual parental notification components. Any additional legislative changes should await further federal guidance.

The Board will be informed of communication strategies regarding **HR 1**.

Separate from state legislative needs, the Board needs to discuss upcoming state plans/consolidated applications and related policy issues. It is anticipated that the Board will discuss the former in March and the latter in March/April. Guidance should be received from USDE between mid-February and mid-March on state plans. The March meeting will be a critical time for this discussion as these plans will be due to USDE in mid-May in order to have funds flow for 2002-03. Meanwhile, the **HR 1** work group and ad hoc committees continue on!