

## House Committee on Education & the Workforce

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# News Update

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FOR IMMEDIATE RELEASE  
April 5, 2006

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## Education Committee Chair Highlights NCLB Report, Expresses Concern about Lack of Participation in School Choice, Supplemental Services Options

**WASHINGTON, D.C.** – U.S. House Education & the Workforce Committee Chairman Howard P. "Buck" McKeon (R-CA) today highlighted a report – released this morning by the U.S. Department of Education – on the progress made under the No Child Left Behind Act (NCLB). The report, which is required by Congress to track the law's Title I implementation, focuses on key provisions related to state assessments, accountability measures, trends in student achievement, teacher quality, school choice, and supplemental educational services.

Among the report's major findings is that states are not notifying those schools which did not achieve adequate yearly progress (AYP) in a timely enough manner. For example, regarding the 2003-04 academic year, only 15 states provided final AYP results to schools by September 2004. Moreover, despite the fact that NCLB requires parents to be informed of a school's AYP status prior to the beginning of the next school year, almost half of all school districts notified parents an average of five weeks after school had started.

"As we approach next year's reauthorization of the No Child Left Behind Act, this report provides Congress, schools, and parents valuable information about the progress being made in implementing NCLB's chief reforms," said McKeon. "While the report details generally strong progress toward meeting the law's key goals, I'm particularly concerned that parents are not being informed quickly enough if their child's school is not making adequate yearly progress. In fact, this late notification seems to be impacting a parent's ability to take advantage of school choice and supplemental educational services options under the law."

The report supports McKeon's concern, finding that in the 2003-04 school year less than one percent of students eligible to attend a different public or charter school through NCLB's school choice provisions had actually taken advantage of the option.

"Access to school choice and supplemental services options is vital to the ultimate success of NCLB," McKeon continued. "Parents whose children are eligible to take advantage of them should be notified in a timely manner so they can make the fully-informed decisions about their children's academic future."

Other key findings of the report include:

- National Assessment of Educational Progress (NAEP) scores in both reading and math have

improved for 4th grade students, with Hispanic and African American students seeing more dramatic gains;

- The number of Title I schools that have been identified for improvement is roughly the same as it was before NCLB, disputing claims by education reform opponents that NCLB is too punitive;
- Only 14% of schools did not achieve AYP solely because of the performance on assessments by disabled students, while just four percent missed solely because of the assessment performance of limited English proficiency (LEP) students, disputing the claims of some that the performance of LEP and disabled students on assessments is the only reason schools are not achieving AYP; and
- Based on state reported data from the 2003-04 academic year, 86% of classes were taught by highly qualified teachers.

"As we continue a national discussion – from the classrooms in our schools to the kitchen tables in our homes – about what we need to do to ensure every child has access to a high-quality education, this report has uncovered valuable facts about both our successes in NLCB implementation and the areas in which we still need to work in closing the achievement gap in our nation's schools," concluded McKeon.

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**To view the full report, link to the U.S. Department of Education's website by clicking here.**

Press Releases

## **Texas fined for No Child defiance**

**Toe the line, education chief warns the agency she once headed**

By JUSTIN GEST  
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WASHINGTON - Education Secretary Margaret Spellings fined Texas \$444,282 Friday for the state's continued defiance of the No Child Left Behind Act.

For the last two years, the Texas Education Agency has exceeded the federal cap on how many students with learning disabilities can be exempted from regular state testing, mandated by the act, in favor of an easier exam. In a stern letter addressed to Texas Education Commissioner Shirley Neeley, Spellings said "the TEA has not shown cause why" she should not withhold the money from the agency's 2004 federal grant.

"The TEA's proposed amendment was not consistent with the law and the regulations, and something the Education Department could not approve," Spellings wrote.

It is only the second fine ever levied against a state under the 2001 landmark education law. It is also the steepest. Minnesota was fined \$113,000 by Spelling's predecessor, Rod Paige, for not testing an adequate number of students in 2003.

In January, Paige threatened to fine Texas for noncompliance, but he gave the state time to submit a defense. Spellings, formerly of Houston, who took over later that month, was not convinced by the state's justification of its actions.

Texas' fine comes a little more than two weeks after Spellings announced that she would offer more flexibility in meeting No Child Left Behind requirements to states that otherwise adhere to federal rules. But Texas had flouted the federal guidelines.

Neeley's defiance touched off a public dispute between her and Spellings, who helped design the original No Child Left Behind Act in Texas when she advised then-Gov. George W. Bush from 1994 to 2000.

Neeley was accused of exempting the extra students to falsely inflate state scores. In response, she said the Education Department was out of touch with needs of students in Texas.

Texas may be subject to further sanctions.

The federal limit on the number of students who can take the special exam remains capped at 1 percent, and Texas again exempted nearly 9 percent of its students during the current school year.

"We're going down another path where there's going to be another standoff," said Patty Sullivan, director of the Center on Education Policy in Washington. "They're probably going to fine the state again this year."

But education experts said the penalties were not severe enough to force Texas to change its guidelines. The \$444,282 fine represents a fraction of Texas' \$1.1 billion federal allocation, and a sliver of the state's \$33 billion annual public education budget.

"Texas got a slap on the hand for breaking a fundamental principle of No Child Left Behind. Now any other state that doesn't comply is going to expect a similar financial penalty," said Scott Young, a policy adviser for the National Conference of State Legislatures.

"Texas called their bluff. Apparently, the department's not going to jeopardize public education in Texas and the individual students there. I can only imagine what Utah and Connecticut are thinking right now."

On Tuesday, Utah's Legislature passed a resolution that declares federal education laws subordinate to state policy. Last week, Connecticut officials announced plans to sue the Education Department for the right to disregard federal rules, saying the federal government fails to provide enough money.

It is unclear how Texas will return the money from its 2004 federal allocation, all of which has been spent. Officials at both TEA and the Education Department were unavailable for comment when the letter was released Friday at 7:20 p.m. EDT.

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