



# Doc H's Blog

**Kentucky Education Commissioner  
Terry Holliday**



**February 8, 2013**

## **The Importance of Federal Flexibility**

This week I had the honor of testifying before the U.S. Senate Health, Education, Labor and Pensions ([HELP](#)) Committee at a hearing titled “No Child Left Behind: Early Lessons from State Flexibility Waivers.”

In February 2012, Kentucky was one of the first states granted a waiver from certain requirements of the No Child Left Behind Act of 2001 by the U.S. Department of Education. The waiver cleared the way for the state’s new Unbridled Learning: College/Career-Readiness for All accountability system to be used for both state and federal accountability.

With this testimony, I had the opportunity to not only urge reauthorization of the Elementary and Secondary Education Act (ESEA) and explain our experience with the waiver process but also share on a national stage the great work we are doing in Kentucky and the progress we are making to ensure all our students graduate college/career ready.

Below is a transcript of my testimony ([video](#)) before the HELP committee. Video of the full proceeding can be accessed [here](#).

**Health, Education, Labor and Pensions Committee Testimony  
Washington D.C.  
February 7, 2013**

Chairman Harkin, Ranking Member Alexander, and Senator Paul, thank you for allowing me the opportunity to speak to the Committee today about Kentucky’s ESEA flexibility waiver. I am honored to explain to you how we are best serving the students in my state.

First, though, let me be clear that Kentucky and my fellow chiefs across the nation support ESEA reauthorization first and foremost. We feel that only reauthorization gives us the long range expectations of federal accountability and the long-term sustainability of our efforts to best serve the needs of students. With reauthorization, we can implement policies that address the requirements of the legislation with fidelity, knowing that we will not have to alter those plans for any reason other than their success in meeting the goal of getting our students to college and career readiness.

I also thank Secretary Duncan and President Obama for the opportunity to innovate and build a new college and career readiness-based assessment and accountability system in Kentucky through the ESEA [waiver process](#) that I hope will inform reauthorization efforts and highlight the value of state flexibility in federal law.

From the very beginning of No Child Left Behind ([NCLB](#)), I have been an ardent supporter of the vision of the legislation. EVERY child should reach proficiency. For too long, our schools had failed to meet the needs of many children who needed our help the most. However, as we all can agree, while the vision of NCLB was right, we lost something in the translation to details. NCLB had some unintended consequences. Among these were:

- Wide variation in standards and proficiency levels across states
- A focus on “teaching to the test”
- Loss of a balanced approach to education with reductions in the arts, physical education, science and other critical subject areas
- A focus on “bubble kids” who were close to passing state tests and not providing support for gifted/talented students or low-performing students
- Confusion of parents with different systems for state and federal accountability that often reported contradicting results

Given the challenges of implementation and the looming 2014 timeline of NCLB to reach 100 percent proficiency, the Council of Chief State School Officers convened a group of chiefs to develop a [model](#) for next generation accountability systems that would focus on college and career readiness. This group was a natural progression to the successful work of the Common Core Standards. During this time, the administration was also working on the waiver process for states who wanted to create innovative accountability systems.

The timing was right for Kentucky. In 2009, our General Assembly had unanimously passed [Senate Bill 1](#), which required more rigorous standards, rigorous assessments, a balanced accountability system, and support for educators to implement the new system. Kentucky was one of the first states to apply for the ESEA waiver due to our state legislation.

Kentucky completed a [waiver application](#) that built on the key components of NCLB. We kept a focus on proficiency, achievement gaps, graduation rate, and annual progress. However, we moved to a more rigorous standard – college and career readiness for all students. Our state legislation had recognized the economic imperative of having more students graduate from high school that had achieved college and career readiness in addition to basic skills proficiency.

Let me highlight a few elements of our waiver request:

**K-3 Program Review** – This component measures every child’s readiness for kindergarten based on common readiness expectations. Through this component, we ensure early childhood providers use the information to improve services to children. Also, we ensure that schools are ready for children and help all children reach success in reading and math by the end of 3rd grade.

**College and Career Readiness** – Perhaps the most innovative component of our system is the partnership with business and higher education to clearly define college and career readiness and have measures in place that track progress of individual students, schools and districts. In grades 3-8, we have built an assessment system that measures college/career ready standards and reports on the progress of individual students, classrooms, schools and districts toward the goal of college/career readiness for all students. At the 8th, 10th, and 11th grade levels, we have added end-of-course assessments and independent college/career-ready assessments that provide college/career readiness measures accepted by colleges and businesses.

**Balanced system** – Our accountability system supports the concept of the whole child. It was very important to our General Assembly that we provide opportunities for students to excel in arts/humanities, career and technology, physical education and health, world languages, and writing/research programs. Our Program Review accountability measure uses the latest in performance-based assessments and project-based learning to measure student learning and student opportunities in these areas. This ensures we have a balanced approach to accountability rather than a limited focus on basic math and reading skills.

**Subgroup performance** – Kentucky continues the focus on individual subgroup performance as required by NCLB; however, due to low student counts in some schools for some subgroups, we found that many Kentucky schools were not being held accountable for closing achievement gaps. Through our new accountability system, we have ensured that ALL schools have the responsibility for closing achievement gaps through an aggregate gap group even

if they have small counts for individual subgroups. The use of the aggregate gap group allows for the inclusion of students otherwise missed due to the low number of students in a single subgroup. To make sure that individual subgroups are not being overlooked, we set ambitious performance targets for all subgroups and use these targets to drive interventions, and require that schools improve the performance of the subgroup that led to their identification.

**Comparative data and transparency** – Through the use of our on-line accountability school and district report card, the citizens of Kentucky are able to see how their school or district is performing compared to other schools or districts. Also, citizens are able to see the annual targets for improvement of their school and district in proficiency, gap, graduation rate, and college/career readiness.

The results from our accountability model have certainly been catching the attention of many states. With our first assessment of the Common Core Standards, we saw drops in proficiency rates of between 20 percent to 30 percent in language arts and math. However, we are not shying away from these results; in fact we embrace these as a more realistic view of the percentage of our students who are making progress toward reaching the most important goal of college and career readiness. These results also are very much in alignment with the National Assessment of Education Progress.

Additionally, we are seeing some early indications of improvement. Our graduation rates have improved and the percentage of graduates who are college and career ready has improved from a baseline of 34 percent in 2010 to 47 percent for the Class of 2012.

In closing, I again thank the committee for this opportunity to speak, and thank Secretary Duncan and President Obama for encouraging the state-level innovation that we are seeing in Kentucky and across the country.

My request to the committee is very simple. I hope you will move toward reauthorization as soon as possible to provide concrete parameters for states for improving education systems to better serve students. However, I strongly encourage the committee to provide those states that have demonstrated their commitment to accountability and college/career readiness for ALL students, through the waiver process, the ability to continue and grow that innovation through a flexible federal law and additional funding flexibility that will support states as they work to make the vision of college/career readiness for ALL students a reality.

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